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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

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services

Deialu uniongyrchol / Direct line /: 01656
643148/643147

Gofynnwch am / Ask for: Mrs Julie Ellams

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 25 January 2018

Dear Councillor,

COUNCIL

A meeting of the Council will be held in the Council Chamber - Civic Offices Angel Street Bridgend CF31 4WB on **Wednesday, 31 January 2018 at 15:00.**

AGENDA

1. Apologies for absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest from Members/Officers in accordance with the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 5 - 24
To receive for approval the minutes of 20/12/2017
4. To receive announcements from:
(i) Mayor (or person presiding)
(ii) Members of the Cabinet
(iii) Chief Executive
5. To receive the report of the Leader
6. School Modernisation Programme Band B 25 - 30
7. Redevelopment of Maesteg Town Hall 31 - 36
8. Departure Planning Application 37 - 56
9. Annual Improvement Report 2016-17 - Bridgend County Borough Council 57 - 92
10. Council Tax Reduction Scheme 93 - 100
11. To receive the following questions to the Cabinet

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Question to the Cabinet Member Communities from Councillor Tim Thomas

Over the duration of the next medium term financial plan, what will this Council do to ensure that people living with disabilities are fully able to access roads, streets and highways that they use on a day to day basis within their community?

Question to the Cabinet Member Social Services and Early Help from Councillor Altaf Hussain

According to the Royal College of Emergency Medicine Wales, Accident and Emergency Departments in Welsh Hospitals are like battlefields. Welsh Government blames flu outbreak, increase in calls over the Christmas and New Year Norovirus. Dr Robin Roop, Vice President of RCEM Wales said for the staff an emergency department feels like a battlefield, patient safety is compromised, this is unsafe, undignified and distressing for patients and their relatives. Several Health Boards across Wales have had to postpone operations because of the winter pressures. ABMU cancelled most routine planned surgeries. Health Secretary Wales has apologised to the patients whose surgeries are being cancelled.

This means that more patients especially elderly will be admitted through Accident and Emergency with Flu, Respiratory problems, falls etc. Some of these patients will be discharged soon.

Are we well equipped with regards to the Social Care for these discharged patients at Council Level and will the Cabinet member assure the chamber that there will be no bed block syndrome in our hospitals because of delays in social care?

12. Notice of Motion

Notice of Motion proposed by Councillor T Beedle

Council Tax Exemption For Care Leavers

Cuts to working age benefits, proliferation of zero hours contracts and the increase in sub-standard rented housing mean our vulnerable young people are not given the same life chances previous generations were at the same age.

The Children's Commissioner for Wales, Sally Holland, said in her Hidden Ambitions report that young people leaving care should be given priority in work by the Welsh Government to see what can be done to make council tax fairer, the Children's Commissioner for Wales also reported that many care leavers have to survive on as little as £8 a day, with council tax their biggest outgoing cost after rent.

This Council notes:

- how young people have been unjustly targeted through the Government's welfare reforms such as the Government's "Youth Obligation", aimed at those aged 18-21 denying them automatic access to Housing Benefit from April 2017. This has inevitably resulted in increased demand for council services,
- that it has the power to introduce exemptions for council tax for certain groups under Section 13A of the Local Government Finance Act 1992
- that last year (2016/17) 1 young person left the care of Bridgend County Borough Council and began the difficult transition out of care and into adulthood.

This Council believes that:

- there is more that can be done, at relatively little cost to the council taxpayer, to support care leavers to manage their money during this transition
- to ensure that the transition from care to adult life is as smooth as possible, and to mitigate the chances of care leavers falling into debt as they begin to manage their own finances, they should be exempt from paying council tax until they are 25.

This Council, resolves:

- To use the council's powers to exempt all care leavers in the County Borough of Bridgend from council tax up to the age of 25.
- That the Leader write to the Welsh Minister for Children and Social Care, urging him to introduce a national exemption for care leavers from council tax up to the age of 25.

13. Urgent Items

To consider any item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

14. Exclusion of the Public

The following item is not for publication as it contains exempt information as defined in Paragraphs 14 and 16 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 this item in private, the public will be excluded from the meeting during such consideration.

15. Redundancy and Early Retirement Packages Carrying Costs in Excess of £100,000 101 - 104

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

S Aspey
SE Baldwin
TH Beedle
JPD Blundell
NA Burnett
MC Clarke
N Clarke
RJ Collins
HJ David
P Davies
PA Davies
SK Dendy
DK Edwards

Councillors

A Hussain
RM James
B Jones
M Jones
MJ Kearns
DRW Lewis
JE Lewis
JR McCarthy
DG Owen
D Patel
RL Penhale-Thomas
AA Pucella
JC Radcliffe

Councillors

JC Spanswick
RME Stirman
G Thomas
T Thomas
JH Tildesley MBE
E Venables
SR Vidal
MC Voisey
LM Walters
KJ Watts
CA Webster
DBF White
PJ White

J Gebbie
T Giffard
RM Granville
CA Green
DG Howells

KL Rowlands
B Sedgebeer
RMI Shaw
CE Smith
SG Smith

A Williams
AJ Williams
HM Williams
JE Williams
RE Young

COUNCIL - WEDNESDAY, 20 DECEMBER 2017

MINUTES OF A MEETING OF THE COUNCIL HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON WEDNESDAY, 20 DECEMBER 2017 AT 15:00

Present

Councillor PA Davies – Chairperson

S Aspey	SE Baldwin	TH Beedle	JPD Blundell
NA Burnett	MC Clarke	N Clarke	HJ David
P Davies	DK Edwards	J Gebbie	T Giffard
CA Green	A Hussain	M Jones	MJ Kearns
DRW Lewis	JE Lewis	JR McCarthy	D Patel
RL Penhale-Thomas	AA Pucella	JC Radcliffe	KL Rowlands
B Sedgebeer	RMI Shaw	CE Smith	JC Spanswick
RME Stirman	G Thomas	T Thomas	JH Tildesley MBE
E Venables	SR Vidal	MC Voisey	LM Walters
KJ Watts	CA Webster	DBF White	PJ White
A Williams	AJ Williams	HM Williams	JE Williams
RE Young			

Apologies for Absence

RJ Collins, SK Dendy, RM Granville, DG Howells, RM James, B Jones, DG Owen and SG Smith

Officers:

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

102. DECLARATIONS OF INTEREST

Councillor DRW Lewis declared a personal interest in Agenda Item 11., in that he was Chairperson of the Credit Union.

Councillor JE Lewis declared a personal interest in Agenda Item 11., in that she was a member of the Credit Union.

103. APPROVAL OF MINUTES

RESOLVED: That the amended Minutes (as tabled) of a meeting of Council dated 29 November 2017, be approved as a true and accurate record.

104. TO RECEIVE ANNOUNCEMENTS FROM:

Mayor

The Mayor welcomed all those in attendance to the meeting.

She announced that earlier this month she/her Consort visited the Princess of Wales Hospital and surprised staff on all of the wards by handing out Santa sacks. The idea of the Santa sacks was the brainchild of two local veterans Tom and Alistair who asked local firms for donations of biscuits chocolates and goodies as an 'Act of Kindness' for the hospital staff. She added that they also returned to hand out a large number of toys donated by a toy firm from Yorkshire. She extended thanks to both veterans who had made this possible; the staff in POW who laid on tea, coffee and mince pies donated by local Tesco stores and to the toy firm who have promised to donate more toys in 2018.

She had attended several Carol Services including one in the Mansion House hosted by the Lord Mayor of Swansea. My own Carol Service for the Mayors Charities and St Johns Church in Cardiff helped to raise funds for the St Johns Eye Hospital in Jerusalem. The hospital performed 113,000 eye operations often in very difficult circumstances.

Numerous Christmas visits had also been made to all hostels, nursing homes and sheltered accommodation where she delivered boxes of biscuits to them all.

She had also participated in the Bridgend Armed Forces Forum which was chaired by the Armed Forces Champion Councillor Richard Young. The event was attended by a number of support organisations and service providers including The Soldiers' and Sailors' Families Association (SSAFA), the Royal British Legion, Veterans and representatives of housing associations. The Forum provided an opportunity for organisations here in Bridgend to come together and look at how the support of the Armed Forces Community can be improved. Future meetings of the Armed Forces Forum have been planned for next year to take forward the good work that has been started recently.

The Mayor advised that she had enjoyed meeting the Young people in Heronsbridge School who performed 'Beauty and the Beast'. It was very moving and the singing was a joy for everyone. She wished to thank all those who performed, and the Staff for all the hard work they had put in sometimes in very difficult circumstances.

Deputy Leader

The Deputy Leader wished to remind Members that the festive recycling and waste arrangements will see collections taking place two days later than normal during Christmas week, and one day later than normal in the week after New Year. All collections will return to their normal schedule on Monday 8 January. He advised that the vast majority of festive waste can now be recycled. It was anticipated that the biggest non-recyclable items will probably be Christmas wrapping paper and polystyrene. Householders can either take excess waste to a community recycling centre, or put it out in a separate black bag. Community recycling centres will be closed on Christmas Day, Boxing Day and New Year's Day, but will be open on all other days from 8:30am – 4:30pm. Real Christmas trees can be recycled at the community recycling centres in Tythegston, Brynmenyn and Maesteg, or to the council's Waterton Depot in Bridgend from 2 January every day apart from Sundays. People could find out more by visiting the council's recycling pages at W-W-W dot recycle for Bridgend dot Wales.

The Deputy Leader confirmed some further dates for Members diaries.

There will be a pre-council briefing on 31st January for the Implementation of Universal Credit, and another on 28 February on the Local Development Plan. Social media

training has also been scheduled for 9am on Tuesday 9th January, and the Local Democracy and Boundary Commission will provide a briefing at 4pm that same day where they will outline their work over the next few years.

Equalities and Diversity training has been scheduled for 9.30am on 29th January, and again at 4pm on 6th February. This will be delivered by Stonewall, and is intended to enable members to confidently deal with LGBT issues arising from constituents. Look out for more information about this in the New Year.

The Deputy Leader confirmed that a report went to Cabinet yesterday on Shaping Bridgend's Future. In respect of this, he wished to thank members of the public for their participation in the consultation process regarding this. There had been an increase in their input to this when compared with last year, and possibly BCBC were now the most successful Authority in Wales when it came to consultation on this and the MTFs.

Finally, the Deputy Leader paid tribute to Mr Randal Hemingway, Head of Finance and S151 Officer who was soon to leave the Authority for pastures new. He confirmed that he had an excellent relationship with Randal, who he had a considerable number of one to one meetings with over the last 18 months, in order to make very difficult decisions on the finances of the Authority. He considered him to be both a workaholic and a very valued member of the Corporate Management Team. The Deputy Leader wished him well for the future.

Cabinet Member Communities

The Cabinet Member Communities announced, that following the tragic accident in which Rhys Rubery lost his life, he was aware that many members have contacted the Welsh Government to urge them to help fund safety improvements along the A48.

These improvements were identified as part of an independent report that the council arranged to have carried out.

While our first funding bid to the Welsh Government was not successful, they did agree to place us on a reserve list of schemes.

He stated that he was pleased to be able to inform members that their concerns have been listened to, and that the Welsh Government has provided us with money taken from underspends on other projects so that we can start making headway on our plans.

A total of £100,000 is being allocated within this current financial year. We are going to use it to commence the initial works for the scheme and are hopeful of Welsh Government continued support next year to complete this important road safety improvement.

He then confirmed that he would like to thank colleagues at Welsh Government for listening to the Council on this issue, and he also acknowledged the efforts of members of this Council, in this regard.

The Cabinet Member Communities was pleased that the County Borough hasn't seen the level of early winter snowfall that other parts of the country have experienced, but many of our valley communities have still been affected and the freezing cold temperatures are making driving conditions treacherous across the whole area.

As usual, our highways team have been working around the clock to keep the County Borough moving, and to ensure that drivers, roads and properties alike all remain safe from the worst of the winter weather.

With 490 miles of road located throughout the area, this was no small feat, especially when you consider that the crews' duties also include things like unblocking gullies to avoid flooding, repairing potholes and responding to a wide range of problems, many of them at times when the rest of us are tucked up in bed.

They make a major contribution to our local communities, and he was sure that members would wish to join him in thanking our highways staff for their efforts.

Finally he announced, work on the £3m replacement of the 'tarmac beach' in Porthcawl was gathering speed, and members can expect to see increased activity at the site over the coming weeks.

The existing beach has protected 260 seafront properties and businesses from flooding and coastal erosion since 1984, and in the New Year contractors Alun Griffiths will hold a public event at the Grand Pavilion where they will answer questions and demonstrate how the new replacement terraced beach will continue to do this important work.

There will be regular updates on the project, and people can keep an eye on latest developments by visiting the Community Dot Alun Griffiths Dot Co Dot UK website and searching for Porthcawl town beach under the 'projects' section.

Cabinet Member Social Services and Early Help

The Cabinet Member Social Services and Early Help, advised that this year the BCBC Santa Appeal had again been organised by the Early Help Business Support team of the Education and Family Support Directorate. There had been a huge increase in the list of names of deserving children put forward this year, and in fact, we had received twice as many nominations as in previous years.

The appeal is hugely supported by Brynteg School, Bridge FM and Hafod Y Wennol hospital (RCT), but even with their fantastic efforts sadly the demand far outweighed the supply. He stated that the Social media route was then taken, and with the help of BCBC Marketing team, the Council received what could only be described as a phenomenal response from BCBC staff and residents of Bridgend.

The Cabinet Member Social Services and Early Help, confirmed that it was truly humbling to see all the presents that the Brynteg children unloaded yesterday together with all the sacks of donations from Bridge FM, Hafod Y Wennol and elsewhere. He wished to thank all of the staff who helped to identify the children initially, the children and staff of Brynteg for their amazing efforts and also to colleagues in his team and the wider teams who have helped with collation of the gifts. Obviously a huge thanks have to also go to all of the generous kind hearted people of Bridgend and BCBC staff who had purchased gifts for children less fortunate than themselves.

He added that support had also been received from a member of staff and a young person from the Youth Offending Service (YOS) who helped wrap and sort presents for the whole day.

It really was a team effort, and the Cabinet Member Social Services and Early Help considered that this demonstrated the true meaning of Xmas.

Kind hearted residents, schools organisations and businesses had donated 100's of presents for disadvantaged children in Bridgend, so that they would not go without during the festive period.

This year, more than 300 underprivileged children would receive presents to open on Xmas Day thanks to volunteers such as those mentioned above, and businesses and residents alike.

Christmas was a time for giving, and who were more worthy of receiving a Xmas cheer than vulnerable children, particularly those in care who found this season extremely difficult.

As part of their annual 'Santa Appeal', Brynteg Comprehensive School raised an impressive £4,757.32 by organising an array of activities, such as selling sweets, sponsored walks, bake sales, a carolathon, and bag packing at Sainsbury's.

In total, pupils were able to purchase presents for 160 children and young people across the County Borough. In addition, they have donated £500 to Women's Refuge.

Once again, the Bridge FM's annual Xmas Toy Appeal received a phenomenal amount of donated presents, one hundred of which were dropped off to BCBC's Safeguarding team to allocate out to children in need.

Members of staff at Hafod y Wennol in the Vale of Glamorgan, an assessment and treatment unit for adults with learning disabilities, went the extra mile this Xmas by getting their friends and family on board to donate presents for children of all ages. Their generosity would see more than 70 children and young people receiving a Xmas gift bag filled with presents.

He then announced that he was delighted to see that WAG recently confirmed that it is to invest £68m in creating nineteen new community health and care centres across Wales.

Members would be pleased to know that Bridgend County Borough would be one of the areas to benefit from this significant investment, and talks were already underway that could see an all-new primary care centre established within the town centre, which would bring various NHS and community services together under one roof.

Described by Welsh Government as their single biggest targeted investment in primary and community care infrastructure, the provision of a new generation of integrated health and care centres forms a key part of the Taking Wales Forward agenda.

It was intended to establish a range of interlinked facilities that are much closer to the local community, and will require health boards, local authorities, housing associations and voluntary organisations to work together in close partnership.

The project was still at a very early stage, but will be subject to the agreement of successful business cases and confirmation that it can be constructed by 2021.

He hoped to bring Members more news on this exciting investment soon.

Staff in Childrens Social Care are proud to announce the completion of a new 52 week residential unit for children and young people with complex needs including a learning disability aged from eight to eighteen years; The new residential unit named Harwood House, the home name has been arrived at as it is the surname of the current caretaker whose home it used to be and who has worked at the school for over 30 years. Harwood House is based within the Heronsbridge school grounds and one of the admission criteria is that the young people attend Heronsbridge school.

The unit was open for admission on the 16th November 2017 with the first young person moving in on that date, a second admission has recently been placed with a third placement being planned.

The formal opening of the home will take place on the 18th January 2018 within Heronsbridge school, and this had been a project that has been made possible due to positive working collaborations across the Councils various directorates.

Social work staff are delighted to report that the young people currently in situ are really happy with one social worker commenting that she "would have paid a million pounds to see that smile" when the child moved in and saw their bedroom.

The location and provision of this service will enable children young people and their families to remain close together being located in Bridgend County Borough as usually this type of service provision is further afield.

Cabinet Member Wellbeing and Future Generations

The Cabinet Member Wellbeing and Future Generations confirmed that more than one hundred older people and people with disabilities attended the Bethlehem Life Centre in Cefn Cribwr recently for the 2017 'OlympAge Games'. Organised by the Prevention and Wellbeing department in partnership with Bridgend College and Sport Wales, the event saw teams from local community groups, care settings and day centres channelling their inner 'Mo Farahs' and competing in a range of special activities.

As well as being a lot of fun and offering a chance to make new friends, the games formed part of a wellbeing initiative designed to improve physical and mental wellbeing.

The participants were really proud to represent their communities. They enjoyed interacting and having fun with all the other groups, and several even remarked that they are already looking forward to the 2018 event. She wished to thank everyone who helped organise this impressive event.

Members may also want to let their constituents know that the Community Chest Grant Scheme is offering local groups and sports clubs the chance to apply for funding.

Run by Sport Wales via the Lottery Sports Fund for Wales and managed locally through Bridgend County Borough Council, the scheme welcomes approaches from 'grassroots' projects or initiatives which encourage people to be more physically active.

With a total of £29,000 still available, organisations can apply for grants of up to £1,500. Examples of how the fund has been used previously includes start-up costs, coach education, volunteer development, new equipment, training, initial facility and instructor hire and more.

Further funding is available for clubs promoting sports for women and girls, disability sports and social inclusion.

You can find out more about the scheme by visiting W-W-W Dot Sport Wales Dot Org Dot UK.

Cabinet Member for Education and Regeneration

The Cabinet Member Education and Regeneration announced that he was pleased last week when the Interim Director of Education and Family Support, asked him to provide a foreword to the First Edition Bridgend Schools termly newsletter. This newsletter

celebrates the outstanding work of our schools, and most of his announcements this month were taken from this newsletter.

Firstly, St Robert's Catholic School, Aberkenfig has become the first in Wales to achieve the SAPERE Silver School Award which has been presented in recognition of their commitment to the 'Philosophy for Children' approach. This in full was the Society for the Advancement of Philosophical Enquiry and Reflection in Education. Also known as P4C, this helps boost children's reasoning and higher-order thinking skills, and supports their self-esteem, motivation and communication.

Estyn has recognised Brackla Primary as an example of best practice for delivering learning through play. A new report has been published at the Estyn website alongside a short film, and the Cabinet Member Education and Regeneration, strongly recommended that members take a closer look.

Pupils at Porthcawl Comprehensive raised an impressive £4,000 in just five days during this year's annual charity week celebrations which he felt was an incredible team effort. The money will be donated to various local charities and organisations.

Ysgol Cynwyd Sant and Bryntirion Comprehensive have been recognised with Excellence in Education awards at the recent Estyn awards, Cwmfelin Primary School has achieved Eco Platinum status, and Brynmenyn Primary has been working alongside schools from the Vale of Glamorgan on the 'Polly Nation' project which aims to make school grounds a natural habitat for bees and other pollinating insects.

Finally, following appearances at the Urdd Eisteddfod and on ITV's This Morning show, Croesty Primary's school choir has been chosen to perform at the London O2 Arena as part of the Young Voices 2018 Concert, where he was sure they will continue to impress all who hear them.

He extended his congratulations to them all for these very significant achievements.

Chief Executive

The Chief Executive advised that he had two announcements to share with Council today. The first related to the objectives set for as Chief Executive and the second relates to some staff changes.

Chief Executive targets

All BCBC staff have a formal appraisal at least once a year. He confirmed that that included himself as Chief Executive, and he had recently met with the Member Appraisal Panel, who had set him a number of objectives over the coming months. He wanted to share with all Members what those objectives are, summarised as follows:-

1. Deliver corporate plan and MTFS
2. Review senior management pay structure (agreed at last meeting of Council) and review senior management structure as appropriate
3. Implement digital transformation and extend to maximise benefits
4. Continue to contribute to the leadership and development of the Cardiff City Deal ensuring that Bridgend's interests are protected.
5. Engage with Welsh Government individually and through national and regional fora to influence the emerging local government reform in Wales, and how this effects Bridgend.

6. Prepare for the migration of the Bridgend Locality from ABMU to Cwm Taf and, if agreed, oversee that change(s)
7. Commission a study or review of future demand for services to be placed upon the Authority for the next three to five year period
8. Ensure that the recommendations of the CSSIW inspection of children's social services be fully implemented.

Some of the above he added, would be cascaded onto Directors for incorporation into the various Business Plans maintained by the different Departments that comprise the Council.

Staff changes

He wished to inform Members, that Deborah McMillan, the Council's substantive Director of Education has been appointed to the role of Children's Commissioner for the island of Jersey. He was conscious that many members who joined the Council in May might not know this Officer. Deborah began a two year secondment to Welsh Government earlier this year and at that point Lindsay Harvey was recruited as interim Director for Education and Family Support.

It's a testament to Bridgend and to Mrs. McMillan that she was first invited to assist Welsh Government and now has moved on to become the Children's Commissioner, and he was sure Council would join him in wishing her well for the future.

This does mean that we as a Council we would need to move to appoint a permanent Director of Education and Family Support, and he was looking to pursue that in the New Year. We have been in discussion with Merthyr Tydfil Council about the prospect of sharing BCBC's Interim Director, with a view towards closer integration of the whole service and perhaps an eventual shared service in line with the direction established by Welsh Government. That too he felt was a testament to Bridgend, and in this case Lindsay Harvey, both of whom enjoy a strong reputation in education across the region and wider.

Clearly we will now be able to consider the proposal with Merthyr in a slightly different context, and he proposed further discussion with Cabinet and group Leaders in the new year, on how best to take that forward.

And finally, Members will be aware that today will be Randal Hemmingway's last appearance at the Council before he leaves BCBC to take up his new role with Carmarthenshire Council. When Randal joined BCBC he had not worked in a local authority before or been the S151 Officer in a Council. He felt Members would all agree that Randal had risen to both those challenges extremely well. He was grateful to him for that and for the commercial background and corporate and collegiate perspectives that he had brought to the role here.

The Chief Executive also introduced Members to Gill Lewis who is taking up a role with BCBC as interim Head of Finance and S151, as had previously been communicated to Members. Many Members would know Gill and will have worked with her before, but for new Members elected this year, Gill would be a new face. He was also grateful to her and to the WLGA for stepping in to provide temporary support, that would allow him to consider the permanent arrangements as per the objectives set for him in his appraisal.

105. TO RECEIVE THE REPORT OF THE LEADER

The Leader reported that as Members may have seen that earlier this week, Welsh Government had announced their consultation on proposals for transferring healthcare services for people in the Bridgend County Borough area to Cwm Taf University Health Board instead of Abertawe Bro Morgannwg University Health Board.

The Cabinet Secretary for Local Government and Public Services, Alun Davies AM, is intending to establish the County Borough in the South East Wales regional footprint for healthcare provision and social services, and complement existing economic and education partnerships.

Full details on the proposals are available at the Welsh Government website, and views were invited until the closing date of 7th March 2018.

The Leader was sure that Members will want to take a closer look, make their thoughts known, and encourage local residents to have their say.

The Leader advised that he reported to members at the last meeting about the possibility of developing a Logistics Hub here in Bridgend at Brocastle, for the construction of the third runway at Heathrow. We had dozens of local businesses that were very well placed to service such a Hub, and the Council were supporting the MP for Bridgend in organising an event in the Hew Year, at which we will showcase the successful businesses we had in the County Borough. When meeting with the First Secretary and the Secretary of State for Wales recently, the Leader had taken the opportunity to make a case for locating a Logistics Hub in Bridgend. The main purpose of the meeting with Damien Green MP and Alun Cairns MP, was to discuss the impact of Brexit on Wales. There was a united position from Leaders across South Wales, of all political parties, that when the shared prosperity fund is established, we need to maintain the level of investment currently being made in Wales through the European Union.

The Leader advised that we recently requested and held a meeting with Network Rail to discuss a Bridgend Transport Hub to improve access for bus services to Bridgend Railway Station. As members were aware, the Bridgend Rail station was poorly served by direct bus services, and this was largely due to the constrained road layout and access to the station. With funding from the European Union in place, we were ready to start work over a decade ago. This was scuppered at the last minute back in 2012 by Network Rail who had supported this, due to the land being required for electrification of the main line. At the meeting last week officials from Network Rail were very positive about our plans, upon which he assured he would keep Members posted.

Local Members would be aware, that work at long last was forging ahead at the former Margam opencast site.

The site had been a major concern for residents of Kenfig Hill and Cefn Cribwr. As the original restoration scheme was not carried out by Celtic Energy and landowners Oak Generation, Bridgend and Neath Port Talbot Councils, have been working closely together with Natural Resources Wales and the Coal Authority.

The old industrial structures were being removed, landscaping work was taking place, and a new drainage system had been installed to ensure that water levels remain safe. Trees, shrubs and grass had all been planted, and with the void converted into a lake that measures 700m at its widest point, the site was destined to become a green open space, where nature could thrive.

In fact added the Leader, great crested newts, dormice and other rare species were already flourishing on site before the restoration works had begun. The Leader of Neath Port Talbot CBC, Councillor Gebbie and himself, together with Officers recently visited the site, and could see how wildlife had fought back and had already naturally re-colonised in many areas.

With many public rights of way set to be fully reinstated by the end of 2018, the local community was looking forward to seeing this former industrial area becoming a haven for wildlife which everyone could enjoy.

106. PORTHCAWL REGENERATION SCHEME

The S151 Officer and Corporate Director Communities submitted a report, the purpose of which was:

- a. To obtain approval from Council for a revised capital programme for 2017-18 to 2026-2027
- b. Advise Members that a report was submitted to Cabinet on 19th December 2017 which:
 - (i) Updated Cabinet on the Porthcawl Regeneration Scheme
 - (ii) advised that a proposal has been received from the Evans' families, to sell to the Council their leasehold interest in Phase 1 – land at Salt Lake Car Park;
 - (iii) presented the terms of this proposal, and set out the consequential impact on the remainder of the Porthcawl Regeneration Scheme;
 - (iv) advised Members of the 'due diligence' that has been undertaken to date, and the further measures which will be put in place to protect the public interest; recommended that the offer be accepted.

At its meeting on 19th December 2017, Cabinet authorised the Corporate Director - Communities, in consultation with the S151 Officer and the Monitoring Officer to:

- (a) Acquire the Evans' families head lease and sub-lease interests in Salt Lake Car Park Porthcawl, at the price of £3,330,000 and terms set out in Appendix 1 of this report;
- (b) Vary the existing Owners Agreement dated 11th March 2011 between the Council and the Evans families, on the terms outlined in paragraph 4.11 of the report.

The report gave some background information, by confirming that in 2006, the owners of development land in Porthcawl agreed to work jointly, by bringing together the freehold and leasehold interests which overlay substantial land holdings within the town. The aim was to bring forward the land for sale, providing the owners with sale receipts to be split on a pre-agreed basis subject to minimum prices being achieved; and to deliver a clear planning context for disposal of sites for third party development.

In November 2007, the Porthcawl Regeneration Supplementary Planning Guidance (SPG) was adopted by the Council. This provided for new homes within the overall area plus major retail and leisure developments, community provision, new road systems, land set aside for health provision, and other areas of public amenity, including new sea defenses along Eastern Promenade and the Sandy Bay frontage.

The overall development area was divided into two phases of which:

- Phase One included Hillsborough car park, The Green and Salt Lake car park

- Phase Two comprised the Coney Beach Amusement Park and the former Sandy Bay caravan park.

The report then gave some information of the disposal history of the land, and that in 2014, following the failure of the sale of the site to Morrisons (and bids for sale of the site in 2010 to Tesco / Chelverton), various offers were made to acquire the Council's interest. These were turned down as there was no market exposure (in terms of securing best consideration) and the nature of the offer did not meet either the minimum price requirement or the regeneration objectives of the Council.

The Corporate Director Communities then added that in 2015 the parties agreed to review the development proposals in light of the large scale food retailers retreat from the market. A new Master Plan was commissioned to support the existing Supplementary Planning Guidance. However, the owners could not agree the final makeup of the overall development proposals.

In 2016 discussions on the Master Plan floundered, and the Evans' subsequently proposed that the Council consider purchasing their leasehold interest within Phase 1.

In terms of necessary expenditure, within the terms of the OA the Council agreed to fund "necessary expenditure" such as planning costs, in order to enable the development scheme to proceed. This was on the basis that it would be reimbursed from the capital receipts generated from land sales. No receipts have yet been generated. Within the terms of the Owners Agreement the Evans' are required to reimburse the Council on the 5th anniversary of the expenditure, commencing on the date of the Owners Agreement. No payment has yet been received on this and related commercial matters had also yet to be agreed.

The Corporate Director Communities then explained that paragraph 4.6 of the report onwards, detailed the pluses and minuses relating to the acquisition of the Evans' interest, and that their leasehold interest in the land had to be carefully considered, in that the Authority had to be sure that any deal it was pursuing was a 'value for money' option.

A preliminary valuation was undertaken by an independent Property Agent, in order to establish the price range within which the Council could consider acquisition, and from this, a provisional offer was made by the Council in September 2017, with a short expiry date, and terms had now been provisionally agreed to acquire the Evans' interest on the heads of terms detailed in Appendix 1 to the report.

The next part of the report outlined proposed variations to the Owners Agreement, and some changes to these were contained in paragraph 4.11 of the report, whilst paragraph 4.12 related to due diligence where the Corporate Director Communities explained that the Council had taken steps to enter into this thoroughly and comprehensively, in order to ensure that it was obtaining value for money.

The Corporate Director Communities then referred to paragraph 4.13 of the report and risks and associated issues to the proposal, adding that any commercial investment of this scale had an element of risk attached to it, though it was felt that the benefits for the further generation of Porthcawl outweighed these.

He finally concluded his submission, by sharing with Council the report's financial implications with regard to the proposal.

The Leader and Cabinet Members in turn commended the report, and the Leader added that this was a significant investment for the area of Porthcawl that would emanate from

a Capital Receipt. He added that there weren't too many other areas within the County Borough that had the capacity to fulfill what was proposed in this location at Porthcawl in terms of a development of this size and magnitude.

A Member raised some concerns regarding the cost of the Scheme in terms of the level of investment being committed to it, together with the fact that a considerable number of fringe costs regarding the works to be undertaken, had not been included in the report. He also queried the extent of what the Evans' would gain financially from the deal, and the economic prospects for growth, when compared to the substantial financial commitment that the Council were contributing towards the proposal. He felt also that the report was untimely given the current financial restraints, and at a time when BCBC were about to increase Council Tax rates throughout the County Borough. He also raised some concern regarding what constituents in other areas of the County Borough would think about this level of monies being contributed to invest in Porthcawl, particularly those residents who live in some of the more deprived areas of the Borough.

The Corporate Director Communities whilst recognising some of these concerns, advised that issues such as those raised by the Member had been fully considered, as well as specialist advice having been received from a Property Agent and 2 independent valuers appointed to consider and provide advice on the market value of the land. This opportunity also had to be taken now he added, as this would not be available in the future. He felt therefore overall, that the proposal was a very reasonable and proportionate investment opportunity, that the Council could not really refuse to ignore.

The Members of the area of Porthcawl, together with other Members welcomed the report, adding that the proposal would give the Council a unique opportunity also to generate employment for young people throughout the County Borough.

The Leader concluded debate on the item, by advising that if the recommendations of the report before Members were overturned, then this would result in the regeneration of the biggest brownfield site situate within the County Borough not being developed upon. He felt therefore that there was a compelling case for the local authority contributing to this investment.

Members then agreed to have an electronic vote on whether or not there should be a recorded vote undertaken on the recommendations of the report.

The result of this was as follows:-

<u>For</u>	<u>Against</u>	<u>Abstain</u>
44	1	1

Therefore, a recorded vote was then carried out on the recommendation of the report, the outcome of which was:

<u>For</u>	<u>Against</u>	<u>Abstain</u>
Cllr G Thomas Cllr JH Tildesley Cllr DBF White Cllr N Burnett Cllr P Davies Cllr J Gebbie Cllr R Granville Cllr S Baldwin	0	Cllr T Beedle Cllr DK Edwards Cllr R Penhale-Thomas Cllr E Venables 4

Cllr J Radcliffe
Cllr T Thomas
Cllr K Watts
Cllr A Williams
Cllr J Williams
Cllr R Shaw
Cllr B Sedgebeer
Cllr JP Blundell
Cllr M Jones
Cllr M Clarke
Cllr R Stirman
Cllr AJ Williams
Cllr A Pucella
Cllr L Walters
Cllr S Vidal
Cllr K Rowlands
Cllr A Hussain
Cllr JR McCarthy
Cllr M Kearn
Cllr D Lewis
Cllr JE Lewis
Cllr JC Spanswick
Cllr N Clarke
Cllr CA Green
Cllr S Aspey
Cllr C Webster
Cllr T Giffard
Cllr MC Voisey
Cllr PJ White
Cllr D Patel
Cllr HJ David
Cllr HM Williams
Cllr CE Smith
Cllr RE Young
Cllr P Davies

43

The vote for the recommendation was therefore carried.

RESOLVED: That Council approved the revised Capital Programme, as set out in Appendix 2 of the report.

107. **AMENDMENT OF THE CONSTITUTION**

The Monitoring Officer presented a report, the purpose of which, was to seek approval for the amendment of the Constitution to enable the Authority to meet its requirements in respect of the provision of agenda and minutes in accordance with the Welsh Language Standards.

He explained that Standard 41 required to produce in welsh, agendas and minutes which relate to formal meetings of the Authority.

The Monitoring Officer went on to state, that by law local authorities had to make agendas, minutes and reports available to the public 3 clear working days prior to the meeting.

Under provisions of the Constitution, Councillors could ask questions of the Executive and propose Notice of Motions, and had to give five clear days' notice of this.

Due to the fact that the Authority sent their agenda and minutes to Cardiff for translation, approximately 5 clear working days was needed between sending these off and preparing these documents for Committee send out ie 3 clear working days in advance of the meeting.

In order to have sufficient time to arrange welsh translation for the inclusion of a question or Notice of Motion as specified above, in time for the inclusion of these on any Council agenda, it was proposed that the above timescale be extended to 10 clear working days prior to the meeting. This concluded the Monitoring Officer, would allow enough time to arrange translation of these prior to the publication of both the English and Welsh agenda, and enable the Authority to meet the requirements of its Welsh Language Standards and legislation ie under a provision of the Local Government Act 1972.

A Member felt that an extension of 5 working days to accommodate the above process was too long, and asked if this could be reduced to somewhere between 5 and 10 working days.

The Monitoring Officer replied that this may jeopardise Committee meetings going ahead, if the bilingual information was returned in insufficient time to meet the date the Welsh and English agendas/minutes were scheduled to be dispatched.

The Leader concluded debate on this item, by suggesting that the proposals of the report be agreed to, and that a progress report be submitted to Council in 6 months.

This was agreed by Council

- RESOLVED:**
- (1) That Council approved the amendment of paragraphs 10, 11 and 12 of Part 4 of the Constitution, as outlined in paragraph 4 of the report, to extend the timescales detailed therein, from 5 to 10 working days.
 - (2) That Members await a progress report in respect of the above in 6 months' time.

108. **ELECTED MEMBER ROLE DESCRIPTIONS**

The Monitoring Officer submitted a report, in order to present the Elected Member Role Descriptions for approval.

He explained that the individual Member Role Descriptions had been developed from the model role descriptions produced by the WLGA, but tailored to the requirements of the roles carried out by Councillors within BCBC, attached at Appendices 1 – 19 of the report.

Appendix 20 to the report then outlined details of generic guidance for Outside Body roles.

Paragraph 4.3 of the report, then contained details of the Charter requirement ie the WLGA Charter for Member Support and Development, and in table format, descriptors for the individual Members roles, and this also included information on Outside Bodies.

Paragraph 4.5.1 of the report, recommended that the approval and use of the Member Role Descriptions, meet the suggested timescales as suggested in this section of the report.

RESOLVED: That Council approved the Elected Member Role Descriptions attached as Appendices to the report.

109. **INFORMATION REPORTS FOR NOTING**

RESOLVED: That the Information Reports included within the above report of the Monitoring Officer be noted.

110. **TO RECEIVE THE FOLLOWING QUESTIONS TO THE CABINET**

1. Question to the Cabinet Member for Education and Regeneration from Councillor Timothy Thomas

What are your plans for the growth and promotion of Welsh Medium Education in the County Borough and how will this authority contribute towards the Welsh Government target of one million Welsh speakers by 2050?

Response The full details of the local authority's ambitions in respect of Welsh language education within the Borough are contained within the Welsh in Education Strategic Plan (WESP) 2017-2020.

The local authority has identified 11 targets to promote Welsh language provision over the next three years.

We will:

- develop a feasibility of Welsh-medium provision for the 21st Century School Modernisation Programme – informed by a learner demand survey and by the strategic review and childcare sufficiency audit;
- increase the recruitment of children to Welsh-medium schools by 5% over the next three years by presenting promotional materials from within the local authority and from Welsh Government that outline the benefits of being bilingual and by adding extra provision where there is sufficient demand;
- continue to develop and implement a strategy to increase the retention of children in Welsh-medium education in foundation phase and in key stage 2, to include the planned review of additional learning needs (ALN) support for the Welsh-medium sector;
- ensure that Welsh-medium provision is available to all children of pre-school age and above whose parents/carers wish them to receive their care/education through the medium of Welsh, and this within reasonable travelling distance from children's homes;
- ensure a developing continuum from Welsh-medium primary education through to Welsh-medium secondary education, so that pupils who begin their primary education through the medium of Welsh will progress to a Welsh-medium secondary school and progress accordingly into further and higher education and training;
- ensure that Welsh is taught as a first and/or second language on the timetable of all our schools, in accordance with the National Curriculum's statutory requirements, and that all pupils are given the opportunity to sit an externally accredited examination in Welsh at the end of key stage 4
- ensure that children and young people with additional learning needs receive linguistic equality of opportunity in terms of Welsh-medium education, in line with

- the SEN Code of Practice for Wales and the Council's Strategy for Educational Inclusion and the new ALN Reform Bill;
- ensure that all pupils attending a designated Welsh-medium school can speak, read and write Welsh fluently by the end of key stage 2;
 - work in partnership with all schools to improve the standard of Welsh as a first and second language;
 - further develop teachers' knowledge and understanding of Welsh as a first and second language, and provide opportunities for pupils to improve their knowledge and understanding of the cultural, economic, environmental, historical and linguistic ethos/characteristics of Wales via the Cwricwlwm Cymreig; and
 - promote the wider development of pupils' Welsh language skills through specific activities and projects, in association with a wide range of partners.

It is hoped that these ambitious plans will support the Welsh Government's target of one million Welsh speakers by 2050.

Supplementary question by Councillor Tim Thomas

'With reference to the first paragraph of your response regarding the 21st Century School's Programme, what are your band B capital funding commitments for Welsh Medium education in the County Borough? Also given the significant house building in the Valleys Gateway area, can we expect any Band B capital funding in the area to alleviate pressures on existing Welsh medium schools?'

Response: The Interim Corporate Director for Education and Family Support referenced the need to increase Welsh-medium education provision in the County and specified the requirement, as identified in Bridgend's Welsh in Education Strategic Plan (WESP) to promote the Welsh language. The Leader welcomed the work being undertaken on Ysgol Cwm Garw under Band A of 21st Century Schools Programme.

Second supplementary question by Councillor Altaf Hussain

Thank you for letting us know about the 11 targets to promote Welsh language provision for the next 3 years. Will the Cabinet Member let us know about the other objectives or actions which should be included in order to improve the infrastructure that helps people to use Welsh?

Response: The Cabinet Member for Education and Regeneration noted that Bridgend's WESP provides a number of objectives to promote Welsh; in schools, with families and in the workplace. The Interim Corporate Director for Education and Family Support further explained that Welsh Government has identified several key actions to help people to use Welsh. He noted that BCBC will continue to work with Welsh Government to ensure our responsibility to promote the Welsh language is met.

2. Question by Councillor Altaf Hussain for the Cabinet Member Communities

Given the recent adverse weather conditions in the County Borough and the significant level of ongoing work within your portfolio i.e. potholes and street lighting etc. could the Cabinet Member for Communities advise me how this work has been prioritised. I am sure that this Council wishes to ensure that the risk of injury of our residents and the likelihood of road traffic accidents is minimised to prevent this Council incurring additional costs and supports the health and wellbeing of its residents.

Response: Our Highways Service is well versed with dealing with the weather conditions at this time of year.

We have an agreed winter maintenance plan (**copy in the Members room**) which outlines the way in which roads are prioritised for treatment with staff rota'd to manage the winter forecasting and gritting requirements of the Borough. They can also be deployed in the event of potential flooding incidents.

During periods of ice only events if calls are received off the main routes then an officer will attend to assess if spot treatment is required, and this will be prioritised alongside the ongoing precautionary salting i.e. when all primary routes have been completed and time allows attendance.

In the event of more adverse conditions such as snow, resources would be redeployed from routine maintenance to tackle that immediate issue. Generally these are short lived events and we can resume our normal maintenance functions.

In relation to highway defects the authority carry out regular inspections of the highway to check for defects. However, if any defect such as a pothole is reported to the Council through its call centre it will be initially assessed to ascertain whether an individual inspection is required to quantify the defect, then if appropriate to be scheduled for repair. In the instance of an emergency safety defect these would be given a 24hr response time and other repairs would be scheduled for action within 28 days if warranted.

For our street lighting during May, June and July we were averaging around 150 requests for service per month with an average response of 4 days to attend and undertake a repair (excluding signs and cable faults)

In November we had 296 requests for service with an average of 4.72 days response. Up to 12th Dec we had 535 tickets with an average response of those completed of 5.65 days.

Whilst our target response time for street lighting repairs is 5 days the winter months place additional pressure on this alongside provision and maintenance of Christmas decorations.

Supplementary question by Councillor Altaf Hussain

I thank the Cabinet Member for his response and earlier announcement in the Chamber. I remain concerned about the Member Referrals, which when submitted and sometimes marked for an urgent or immediate action by the Councillor is forwarded to the concerned department giving them 10 days to respond and it may take the department many more days, weeks or months to act. We have the recent example of Keir when the waste was left for days and days on our road sides. My question is who prioritises these Member Referrals? It should not be that we are creating unmanageable waiting lists as we have in NHS because we failed to prioritise the patient referrals.

Response: The Corporate Director Operational and Partnership Services advised that Member Referrals are received by the Member Services Section, and are then sent to the relevant Directorate for actioning within a 10

day period. In this time the Referral could be fully resolved and the Member would be advised of this accordingly. However, on occasions the Referral may need further investigating and input by a number of different Directorates and even bodies external to BCBC. This would therefore take longer and the Member would be advised of this accordingly. The Corporate Director Communities added that there is a methodology in place for processing Referrals, and prioritising these also. However, a large number of Referrals were referred to his Directorate and these, for example, could be for requests to remedy pot holes on a highway, or to increase the use of street lighting etc, in dimly lit areas. The problem was however, that his Directorate in particular had been the subject of recurring budget cuts over the last number of years, and there was insufficient resources to undertake a lot of work requested by constituents through their local Member, and therefore Referrals had to not only be prioritised, but also could often only be remedied in a relatively short space of time, if they were classed as urgent or a danger to the public. Other less important Referrals took a lot longer to resolve in order of priority. The Cabinet Member Communities concurred with what the Officers had said, and added that sometimes rather than to complete a Referral, it would save time if a local Member contacted the appropriate Officer in the relevant Directorate directly, or alternatively approached the relevant Cabinet Member (directly also).

111. NOTICE OF MOTION

Notice of Motion Proposed by Councillor Bridie Sedgebeer

NatWest Closures in Bridgend County

This Council expresses its great concern over the proposed closures of NatWest Bank Branches in Pencoed, Maesteg and Porthcawl.

The proposal to close these three branches in our County will be detrimental to the prosperity of our communities. Customers, particularly elderly residents, rely on being able to pop into their local branch to manage their money.

The provision of local, face-to-face banking facilities has been reduced significantly over the past few years and will leave Pencoed without a branch of any bank. Technological change is helping customers access banking services in different ways but banks must not ignore the needs of those customers who are unable to use/engage with these new ways.

This council requests that the Leader writes to NatWest, to ask it to reconsider its position on the closure of these three branches and to agree to take reasonable action to support residents, community groups and businesses to explore possible alternatives, including working with credit unions and neutral shared branches.

RESOLVED:

That Council supported the above Notice of Motion, subject to the following:-

1. That the Council also pursues through the appropriate avenues Mobile Banking
2. That MP's and AM's be lobbied to encourage further use of Credit Unions and Community Banking, through shared services.

3. That the feasibility of further cash points be pursued in the location of the Valleys Gateway, and at locations regularly used by the general public, including those owned or run by the local authority. This could be taken up with LINC.

112. URGENT ITEMS

None.

The meeting closed at 17:10

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BRIDGEND COUNTY BOROUGH COUNCIL

JOINT REPORT TO CABINET

30 JANUARY 2018

REPORT OF THE INTERIM CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT AND THE INTERIM HEAD OF FINANCE AND SECTION 151 OFFICER

SCHOOL MODERNISATION PROGRAMME – BAND B

1. Purpose of report

1.1 The purpose of this report is to seek Council endorsement of the financial commitment required for Band B of the School Modernisation Programme.

2. Connection to corporate improvement objectives/other corporate priorities

2.1 This report relates to the following Corporate Improvement Plan priorities:

- Supporting a successful economy
- Smarter use of resources

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. These are:

- 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-focused 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 Band B are 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 (“narrowing the gap between the most and the least expensive provision currently”).

3. Background

3.1 In September 2006, the Council approved a vision for the county borough’s schools in which they would be fit for the 21st century and achieve the best use of resources. It was recognised that we need to modernise our schools and get a closer match

between our aspiration for schools, the quality of their accommodation and the projected number of pupils.

- 3.2 Since then, school modernisation has been established as one of the Council's main strategic programmes. The programme has been planned and implemented in accordance with the agreed policy and planning framework and has been matched to capital resources identified within the capital programme.
- 3.3 In November 2010, Cabinet was informed of the work which had been undertaken in determining the strategic priorities for school modernisation to enable the aims of the programme to be met.
- 3.4 The School Modernisation Programme was established to deliver on several objectives including:
 - developing first-class learning environments;
 - locating the right number of schools, of a viable size, in the best places to serve their communities;
 - making schools an integral part of the life and learning of their communities;
 - reducing surplus places and achieving best value for money; and
 - make schools more efficient and sustainable.
- 3.5 In November 2010, Cabinet approved the recommended schemes included in each of the four bands (A-D) which were subsequently detailed in Bridgend's 21st Century Schools Strategic Outline Programme (SOP). The SOP was submitted to Welsh Government in 2011 and ministerial 'approval in principle' was received, subject to the completion of the Welsh Government business case process.
- 3.6 Band A schemes, which are funded on a 50/50 basis with Welsh Government, are due for completion in 2018-2019 and are at various stages. The SEN provision at Bryncethin Campus, Coety Primary School, two additional teaching spaces at Heronsbridge Special School and Betws Primary School schemes have been completed. Work is well underway on the remaining schemes within Band A (ie the replacement YGG Cwm Garw, Brynmenyn Primary School and Pencoed Primary School).
- 3.7 In 2014, a Schools Task Group was established to ensure the Council planned for a high-quality education system. What was evident was that the work of the individual workstreams established under the Schools Task Group could not be undertaken in isolation, as there were dependencies relating to each workstream and that there needed to be a coherent strategy for Bridgend.
- 3.8 Cabinet approval was sought in September 2015 to build on the work of the Schools Task Group and approval was given for officers to undertake a strategic review into the development and rationalisation of the curriculum and estate provision of primary, secondary and post-16 education.
- 3.9 In May 2016, a Strategic Review Overarching Board was established, and four operational boards were identified, one of which was specifically related to consideration of Band B investment priorities. It was considered that Band B priorities identified within the 2010 SOP may no longer be of primary importance and the issues facing the Council and schools need to be reviewed to establish a

strategic approach for investment, establishing a priority list of schemes for delivery within the Band B timescale (ie 2019-2024).

- 3.10 The school modernisation workstream considered relevant data to assist in prioritising the future investment in schools, including suitability, condition, maintenance backlog, population growth, projections of pupil population, housing developments identified within the Local Development Plan (LDP) and pupil places.
- 3.11 In 2017, Welsh Government requested that local authorities submit a new SOP, updated to reflect revised priorities. The revision was submitted on 31 July 2017, with the proviso that no political support and financial commitment had been received.
- 3.12 In October 2017, Cabinet was presented with a report detailing the outcome of the work of the school modernisation workstream and the revised SOP submission and gave approval to discontinue the original Band B schemes identified in the November 2010 Cabinet report, and approved the revised Band B schemes detailed below:
- Bridgend North East (2 form entry (FE)) - capital grant
 - Bridgend South East (2.5FE) - capital grant
 - Bridgend Special School (270 places) – Mutual Investment Model
 - Bridgend West – Welsh-medium (2FE) - capital grant
 - Bridgend West – English-medium (2FE) - capital grant

4. Current situation

- 4.1 On 6 December 2017, Welsh Government's Department for Education gave 'approval in principle' for Bridgend's second wave of investment, which at this stage has an estimated programme envelope cost of £68.2m. Further costs, which are yet to be determined, may be required and these would be associated with additional infrastructure capacity.
- 4.2 All schemes being taken forward in Band B will be required to follow a rigorous Welsh Government business case process and officers will explore the available opportunities through options appraisals and feasibility studies.
- 4.3 Initial work has commenced on the programme and project teams are in the process of being established. The work of the project teams will determine any additional requirements to deliver on the individual schemes (eg highway improvements).

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 Although an Equality Impact Assessment (EIA) has been carried out for the overall programme, it has been considered timely to review and refresh the EIA. An initial screening has therefore been undertaken for Band B. Once schemes have been sufficiently developed, they will be subject to a separate EIA, as the detail will

vary between projects. Equality reports on all proposals will be referred to as part of the individual Cabinet reports on each individual scheme.

7. Financial implications

- 7.1 The overall programme envelope is estimated to be in the region of £68.2m, of which approximately £43.2m is anticipated to be capital funded, the balance proposed to be funded through the Welsh Government Mutual Investment Model (MIM). The Welsh Government capital grant intervention rate is set at 50% for this second wave of investment, with the caveat that only the approved cost on an elemental basis will secure this rate – any abnormalities or “additional” design features will require 100% Bridgend County Borough Council (BCBC) funding.
- 7.2 In order to receive this funding, the Council will need to submit detailed business cases for each project including details of how the match funding (circa £22.8m) required from the Council will be provided. It is proposed that this be met from general capital funding in the first instance (subject to Local Government settlements from Welsh Government), with the balance to be met from s106 funding, receipts from the sale of school and other sites, earmarked reserves and unsupported borrowing. These figures cannot be firmed up at this point in time, but unsupported borrowing will not be drawn upon until such time as general capital funding, s106 funding and available capital receipts and earmarked capital reserves have been exhausted, as this will require a recurrent revenue budget to meet the borrowing costs.
- 7.3 The following projects have been included in the Council’s capital programme, but will only be confirmed once Welsh Government approve the final business cases and sufficient funding has been generated:
- Bridgend North East (2 form entry (FE));
 - Bridgend South East (2.5FE);
 - Bridgend West – Welsh-medium (2FE); and
 - Bridgend West – English-medium (2FE).
- 7.4 Given the uncertainty around the contribution from each funding source, for the moment it is assumed in the capital programme that the full match funding element of around £23m will be met from unsupported borrowing. This is the worst-case scenario and would require a maximum annual revenue payment of around £1.1m at full borrowing take-up, which will need to be built into the budget pressures considered as part of the medium-term financial strategy (MTFS) process from 2019-2020.
- 7.5 The capital programme will be updated with individual scheme costs and revised funding as each business case is approved, and reported through the appropriate channels.
- 7.6 The Bridgend Special School scheme which is being progressed via the MIM could benefit from a 75% Welsh Government intervention rate. However, this will require revenue match funding from the authority of around £750k per annum over a 25-year period. This is not currently built into the MTFS.

7.7 A feasibility budget of £111,366 has been secured for the 2017-2018 financial year to commence progressing Band B schemes and a further funding bid for feasibility work is in the process of being considered for 2018-2019.

8. Recommendations

- 8.1 Council is recommended to give approval in principle for the financial commitment required for Band B of the School Modernisation Programme. The approval would be subject to sufficient resources being identified and allocated to meet the match funding commitment.
- 8.2 Council is recommended to give approval for the finance required in respect of Band B of the School Modernisation Programme to be incorporated into the capital programme

Lindsay Harvey

Interim Corporate Director - Education and Family Support

Gill Lewis

Interim Head of Finance and Section 151 Officer

Contact Officer: Nicola Echanis
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Bridgend
CF31 4WB

Background documents

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

Cabinet Report (2 November 2010): "THE SCHOOL MODERNISATION PROGRAMME OVERVIEW AND BRIDGEND'S 21ST CENTURY SCHOOLS' STRATEGIC OUTLINE PROGRAMME SUBMISSION TO WELSH ASSEMBLY "

Cabinet Report (1 September 2015): "STRATEGIC REVIEW INTO THE DEVELOPMENT AND RATIONALISATION OF THE CURRICULUM AND ESTATE PROVISION OF PRIMARY, SECONDARY AND POST-16 EDUCATION"

Cabinet Report (3 October 2017): "SCHOOL MODERNISATION PROGRAMME – BAND B (2019-2024)"

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

31st JANUARY 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES AND INTERIM HEAD OF FINANCE

RE-DEVELOPMENT OF MAESTEG TOWN HALL

1. Purpose of Report

- 1.1 To provide an update on the Maesteg Town Hall Project and to obtain approval from Council for a revision to the capital programme 2017-18 to 2026 27.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 This report supports the following corporate priorities:

- Supporting a successful local economy
- Smarter use of resources
- Working together to improve lives

3. Background

- 3.1 A report on the proposed restoration and redevelopment of Maesteg Town Hall was presented to Cabinet on 4th October 2016. This is an update to that report and sets out the further project development work that has been undertaken and the current position in terms of project cost and funding.
- 3.2 Following the transfer of management of the Town Hall to Awen Cultural Trust in 2015, the Council and Awen commissioned initial feasibility work for the restoration and renovation of the building, and creation of a modern, multi-purpose culture and arts venue. Part of the proposal included the provision of a new library in the lower ground floor of the building and the closure of the indoor market, with opportunities for traders to relocate in to the new outdoor market. The development concept was the subject of extensive public consultation.
- 3.3 The initial feasibility and concept design informed an expression of interest (EOI) made to Welsh Government (WG) under its Building for the Future programme (B4F), which is supported by European funding. The scheme proposal was prioritised by WG as one of 7 projects in south east Wales, and a full business case for the project is now required. The initial feasibility work and concept design also informed the submission of a stage 1 bid to Heritage Lottery in November 2017, a decision on which is expected at the end of February 2018.

4. Current situation / proposal.

4.1 Project Update

- 4.1.1 The full business case to Welsh Government for B4F requires more detailed information on the project, taking it from concept, to more developed design and costing, underpinned by investigation and survey work. Mace Group was commissioned in August 2017 to develop the design concept and provide more accurate cost estimates for the project.
- 4.1.2 This work is ongoing and has identified the need for significant repair and restoration to be undertaken to secure the future of the building. Earlier proposals for enhancing the first floor auditorium and creating a modern and flexible library space within the existing market hall have been developed further. Other aspects of the design, such as an extension to provide new access, circulation and commercial facilities (cafe, bar), and a modern studio to increase commercial opportunities, are being assessed in the context of feasibility, cost and budget.
- 4.1.3 Following the previous decision to incorporate a new library facility in the lower ground floor of the building, discussions have been ongoing with indoor market tenants to provide alternative accommodation in the new outdoor market. All bar one of the indoor traders has chosen to relocate to the outdoor units. The remaining trader has also been offered a unit in the outdoor market when their existing lease expires in April. Partnership work with the market traders is ongoing in relation to the project itself and opportunities for marketing and promotion of the market.

4.2 Project Cost and Funding

- 4.2.1 The detailed feasibility work is scheduled for completion by March, and will include an updated project cost estimate. The scheme is anticipated to cost £5–6 million inclusive of fees and professional services. The increase over the original estimate (£4–5 million) reflects the more detailed design work and engineering analysis undertaken since, and will be further refined by the ongoing work. However, until tenders are received, the cost estimate will remain indicative, albeit informed by design and feasibility work carried out to date. A further report will be presented to cabinet when the feasibility work and cost plan have been completed.
- 4.2.2 The current funding package for the capital project is complex and includes a number of potential funding sources, as set out below:

Source	Amount (£) Capital	Amount (£) Revenue
Building for the Future (WG and EU)	2,860,000	
Heritage Lottery	508,000	96,800
Awen Cultural Trust (external funding bids)	500,000	
BCBC Capital Programme	500,000	
BCBC – Ewenny Road capital receipt	800,000	
BCBC – fees (to date/current)		207,000
Total	5,168,000	303,800

Funding sources:

Building for the Future

A funding bid will be submitted to Welsh Government (WG) by March/April 2018. WG have confirmed that the maximum available grant is £2.86 million.

Heritage Lottery

A stage 1 bid was resubmitted in November 2017, following an unsuccessful bid earlier in the year. A decision is expected in February. If approved, Heritage Lottery will release £96,800 of grant funding to enable further detailed design work and remaining surveys to be undertaken prior to the second stage submission later in 2018.

Awen

Awen has indicated that it will commit to sourcing charitable contributions to match fund £500,000 towards the project cost through external grant that will require funding bids.

BCBC

The Council has agreed previously to allocate £500,000 from its capital programme towards the project.

Cabinet has also resolved (10th May 2016) to ring fence £800,000 of the anticipated receipt from the sale of land at Ewenny Road for regeneration in the Llynfi Valley. In order to provide the required funding assurances to Welsh Government and Heritage Lottery at bidding stage, this commitment will need to be made specific to the Maesteg Town Hall project. In addition, it will be necessary for the local authority to underwrite the receipt to meet programme milestones. The land at Ewenny Road was originally bought with a grant from Welsh Government, Welsh Government have confirmed that they would not wish to clawback the original grant value. The financial implications are set out in more detail in section 7 of this report.

The £207,000 for fees (to date) is covered by a combination of secured corporate feasibility funding and Special Regeneration Fund revenue allocations. Further fees will be necessary to complete the final detailed design stage and the full suite of additional survey and investigative work that will be necessary to satisfy planning and enable tenders to be invited. The estimated cost of these is £175,000 and has been incorporated in to the above capital budget allocation. To avoid the Council incurring potentially abortive further expenditure, these fees would not be committed until conditional approvals are received from Heritage Lottery and Welsh Government.

Timetable and Next Steps

- 4.2.3 The completion of the current consultancy work in March will allow for development of the business case for submission to Welsh Government in spring this year. Prior to that, a decision is expected from Heritage Lottery in response to the stage 1 bid. If that is successful, a stage 2 bid will be submitted in Autumn 2018.
- 4.2.4 There will be a requirement for a partnership agreement to be drawn up between the Council and Awen covering project delivery, project risks and financial and

management arrangements for the contract and the Town Hall. It is not clear at this stage when this will be required by Welsh Government and Heritage Lottery.

- 4.2.5 The Council will continue to liaise with the remaining indoor market tenant on the opportunity for taking up a stall in the outdoor market. However, formal steps have been taken to bring the tenancy to an end if this offer is declined.
- 4.2.6 Assuming that all funding is secured, as currently planned and programmed, procurement is envisaged to start by summer 2019, with commencement on site early in 2020. The provisional works contract is expected to take approximately 16 months.

Key interim milestones

HLF Stage 1 determination	Feb 2018
ERDF Business Case submission to WG	March / April 2018
ERDF determination in principle	July 2018
Appointment of final design and technical stage	Sept 2018
Planning application submission	December 2018
HLF Stage 2 submission	February 2019
HLF final funding decision	May 2019
Invitation of tenders for works contract	June 2019
Appointment of contractor and temporary closure of town hall	October 2019
Commencement of works on site	January 2020

5. Effect upon Policy Framework & Procedure Rules

- 5.1 None

6. Equality Impact Assessment

- 6.1 Screening has highlighted that no issues arise as a result of this report. The proposed scheme will develop full disabled access to the Town Hall for the first time.

7. Financial Implications.

- 7.1 See Section 4.2 A critical part of the funding package is the use of a capital receipt from the disposal of the land at Ewenny Road which is yet to happen. It is therefore unsecured and would require explicit agreement for it to be used for the Maesteg Town Hall project.
- 7.2 Secured match funding for the project will be a requirement for WG and Heritage Lottery Fund (HLF) prior to final grant approvals being issued. The Council would therefore need to ensure that the sale transaction is complete prior to May 2019 using the projected milestones above. Given the external funding programmes and anticipated timescales for completion of the sale, this will not be achievable. Furthermore, the receipt from the land at Ewenny Road will come in to the Council as staged payments and the Council will not be in possession of the full amount

prior to the commencement of the Town Hall restoration and redevelopment contract.

- 7.3 The Stage 1 Heritage Lottery bid is being considered by the HLF Finance Panel at the end of February 2018. HLF has indicated that the prospect of a positive decision would be enhanced if the Council were able to confirm its commitment to the project match funding prior to the panel meeting.
- 7.4 Discussions with the prospective purchaser of the land at Ewenny Road are at an advanced stage but until sale of the site is secured there remains a risk to the Council. In the event that the existing negotiations fail to result in a sale, the Council will re-market the site.
- 7.5 WG and HLF funding is currently unsecured. See table in 4.2.6 for anticipated timescales for funding decisions.
- 7.6 There is a commitment from Awen Cultural Trust to source charitable grant contributions towards the overall project cost to the value of £500,000. These funds are currently unsecured.
- 7.7 Council should note that no capital works will be carried out or capital expenditure incurred until the external funding position has been finalised in line with the Council's financial procedure rules. However, to meet the requirement of funders at business plan stage, the Council will need to demonstrate that it has the means to deliver the project.
- 7.8 The finalised project cost estimate will not be known until the current feasibility, design and survey work is completed in March 2018, following this a further report will be submitted to Cabinet on cost and budget.

8. Recommendations

- 8.1 Council is requested to:

Approve an increased capital budget of £5.186 million for the proposed redevelopment of Maesteg Town Hall, which includes an additional £800,000 of capital receipts, generated either by the sale of the land at Ewenny Road, or general capital receipts, in the event that the Ewenny Road receipt fails to materialise or is lower than the anticipated receipt together with revised funding from external sources.

MARK SHEPHARD
Corporate Director - Communities

GILL LEWIS
Interim Head of Finance and Section 151 Officer

22nd January 2018

Satwant Pryce

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11. Background documents

- Report to Cabinet: 4th October 2016
- Report to Cabinet: 10th May 2016
- Report to Cabinet: 9th February 2010

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

31 JANUARY 2018

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

DEPARTURE PLANNING APPLICATION

1. Purpose of Report

- 1.1 On 21st December, 2017, the Development Control Committee considered planning application P/17/373/FUL as a departure from the Local Development Plan. The Development Control Committee resolved not to refuse planning permission so the application is referred to Council which is requested to approve the application subject to conditions.
- 1.2 A copy of the Development Control Committee report is attached at Appendix 1.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The delivery of the County Borough Council's planning functions has links to all three of the Council's corporate priorities as outlined in the Corporate Improvement Plan 2016-2020.

3. Background

- 3.1 The retrospective application relates to the change of use from a retail unit (Class A1) to a Members Only Swimming Pool (Class D2), as defined by the Town and Country Planning (Use Classes) Order 1987, at Unit 12d Kingsway Buildings, Kingsway, Bridgend Industrial Estate.
- 3.2 Unit 12d, the application premises, forms part of a complex of buildings that once accommodated the Sony Manufacturing Plant, off Western Avenue on Bridgend Industrial Estate. The unit was once used as a staff refectory and break out area and is centrally located, equidistant from Western Avenue and South Road which provide access to this site.
- 3.3 From 2007, Unit 12d was used for the sale of camping and leisure goods, eventually receiving retrospective consent for the operation in 2013. This retail use ceased in 2015 with the operator going into administration. In 2016, the applicant company took over the lease and commenced the construction of the indoor swimming pool and other internal works. Water Wings School is an established swim school business that previously operated from Bryntirion and Porthcawl Comprehensive Schools outside of school hours. The success of the swimming school and the need to expand the hours of operation required alternative premises for the business in the Bridgend area.
- 3.4 The application site is located within the Primary Key Settlement of Bridgend, as defined by Bridgend County Borough Council's Local Development Plan (2013). The site is within Bridgend Industrial Estate, which is an allocated Employment Site (REG1(2)) that is protected for employment development falling within B1, B2 and B8 use classes.
- 3.5 This application is a resubmission of a previous application for the "Change of use from camping and leisure sales outlet to private swim school and formation of swimming pool

within the space” under planning reference P/16/488/FUL. The application was refused on 11 November 2016 for the following reasons:

1. The use of the building as a 'Private Swim School' (Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) conflicts with Policy REG1 (2) which allocates and protects the land for employment purposes (Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) and it is considered that the use is not complementary to and/or ancillary to the industrial uses on Bridgend Industrial Estate. Insufficient information has been submitted to demonstrate that (i) no alternative location is sequentially preferable than the application site; (ii) the unit has been marketed for at least two years for employment uses; (iii) the site is accessible by a choice of means of transport; (iv) an industrial building is required to accommodate the use; (v) the use with other existing development does not threaten the status and character of Bridgend Industrial Estate; (vi) the operation of other industrial and employment uses would not be adversely affected and therefore the proposal does not comply with Policy REG 3 of the Bridgend Local Development Plan (2013).

2. Insufficient details of the proposed development have been submitted to enable an assessment of highway safety considerations to be made for compliance with Policies SP2, SP3, PLA4, and PL11 of the Bridgend Local Development Plan (2013).

- 3.6 Conversely to the original application, the resubmitted application, as considered by the Development Control Committee, included a planning statement to address local and national policy. It acknowledges that the business has commenced without permission but is seeking retrospective permission again on the basis of a number of changes to the business. The statement also confirms that Water Wings is a private members pool that only provides swimming lessons to members of Water Wings Swim School. Membership is included within the cost of purchasing a block of lessons and the school has also reduced the hours of opening for the Water Wings facility.
- 3.7 A Transport Statement and Proposed Site Layout Plan accompanied the resubmitted application to address concerns raised by the Highway Section in relation to the suitability of the site from a sustainable transport perspective and the likely conflict between pedestrians and vehicles due to the lack of a safe pedestrian route on site. An appraisal of the site's sustainability credentials with reference to public transport provision was included in the Transport Statement along with a calculation of trip generation and parking demand.
- 3.8 Policy REG1 identifies a variety of employment sites suitable for employment uses of varying size and type. The application site is located on Bridgend Industrial Estate and is therefore in an area allocated and protected for employment purposes (B1, B2 & B8). Development proposals which seek to change the use of existing employment buildings on REG1 sites to uses within Class D2 will be assessed against LDP Policy REG3.
- 3.9 In 2015, the Council adopted supplementary planning guidance that deals with the protection of identified employment sites and circumstances where alternative uses, including D2 uses, may be acceptable (SPG21). It outlines those uses which are considered as 'exceptions' in terms of the protection of employment land for its primary function, the D2 use classes that may be permitted on employment sites and guidance on site selection and the submission of planning applications which meet the criteria contained in the relevant LDP policies.
- 3.10 LDP Policy REG3 confirms that proposals which result in the change of use of existing employment (B1, B2 and B8) buildings to uses within Class D2 of the Use Classes Order on Policy REG1 sites will be permitted provided that:

1. In sequential order of preference, all suitable retailing and commercial centre, edge-of-centre and out-of-centre sites and buildings have been assessed and found unsuitable;

2. *The building has been vacant for at least 2 years and has been actively marketed for employment uses throughout that time;*
3. *The site is accessible by a choice of means of transport other than the car;*
4. *It is demonstrated that a former industrial building is required to accommodate the use;*
5. *The proposal, in terms of size and number, either singularly or cumulatively with other existing or permitted developments, is clearly subordinate to the employment use of the area and does not threaten the status and character of the wider allocation as an employment site for B1, B2 or B8 uses; and,*
6. *The operations of other industrial and employment uses in the vicinity of the site would not be adversely affected.*

- 3.11 Water Wings Swim School business is local with its client base being in the Bridgend area. Accordingly, when they were seeking to expand the business, the search for appropriate premises was within and around Bridgend town centre. The applicant worked with a number of local property agents to find suitable and acceptable premises and, of the few sites that were capable of accommodating a swimming pool, the application site was the only premises that proved a viable option. Also, it was the only unit where the landlord was willing to allow a swimming pool to be constructed and the units were all industrial in nature. The exception to this was the application site which had a previous retail permission and, as such, was no longer in employment use.
- 3.12 There is some uncertainty as to when the previous retail business vacated the site but it is understood that the company went into administration in 2015. The applicant's statement indicates that Bridgend Camping and Leisure ceased trading at the premises some time prior to going into administration but it is unclear whether the unit had been vacant for two or more years at the time the application was submitted. The marketing of the unit could not, however, commence immediately because of the legal restrictions associated with the administration process. It is accepted by the agent that the unit may not have been vacant for the time prescribed in the policy although there is documented evidence that the unit was marketed as part of the wider site for at least a year.
- 3.13 Whilst it is accepted that public transport services to the site are infrequent and limited, safe routes and bus stop facilities exist and arguably the supply of services through the estate could increase in the future to correspond with any increase in demand. The applicant acknowledges that, for the majority of customers, particularly very young children, the residential catchment will be outside reasonable walking limits. On the basis that the customer base is within the Bridgend area, the journey lengths, even by car, will be reasonably short and any use of this building would generate traffic. Therefore, it may be difficult to argue that the use is so unsustainable as to warrant refusing planning permission for this reason alone.
- 3.14 It is accepted that only an industrial type building could accommodate this proposal and it is noted that the pool is not an excavated, traditional swimming pool. It is an above ground pool and would not require major building operations for it to be removed.
- 3.15 The applicant's supporting statement refers to the current number of vacant units on Bridgend Industrial Estate and there being no shortage of B1, B2 and B8 floorspace in the vicinity of Unit 12D. A recent review of the Welsh Government's property database confirms a supply of comparable, available units on Bridgend, Ewenny and Waterton Industrial Estates. Recent demand has also been for smaller 'start-up' units. The current use of the building does not threaten the status of the employment allocation and accordingly the Economic Development Section has not opposed the application.
- 3.16 The operations of other industrial and employment uses in the vicinity of the site do not appear to be affected and the reduction in the operational hours to those outside of the general hours of the surrounding businesses should minimise any potential conflicts. No objections to the operation were raised during the consultation process.

- 3.17 Whilst any decision made by the Council must have regard to the adopted policies of the local plan it is accepted that previous planning decisions, depending on their status, may be afforded some weight. The previous permission referred to above only permitted limited retailing from the premises, namely the storage, display and sale of bulky camping and caravan equipment and ancillary complimentary goods. The members swimming club only takes up about 30-40% of the original unit.
- 3.18 The applicant's failure to market the vacant unit for at least two years represents a failing in the context of Policy REG3. The material planning harm caused by having failed to undertake this exercise is, however, difficult to substantiate. Had this process been undertaken correctly, it could be argued that the unit could have been occupied by a B1, B2 or B8 use. This is, however, hypothetical and does not constitute sound evidence that could be relied upon. Of the few sites that were capable of housing a swimming pool, the only premises that proved a viable option were all previously industrial in nature and on industrial estates. The applicant's agent indicates that the exception to this was the application site which had most recently been used for retail purposes and as such was no longer in employment use.
- 3.19 The business employs 10 swimming teachers, 4 lifeguards and a dedicated receptionist. The direct and indirect economic benefits of the business should not be dismissed and in this case they are afforded some weight against the scheme's policy deficiencies. Also, as part of its Economic Development function, the authority should be in a position to suggest more appropriate locations. Given the nature and physical requirements of the use, a similar type of building would be required and in all probability that is likely to be on an industrial estate.
- 3.20 In conclusion, due to the limited scale and extent of the use, the fact that the 'members only swimming pool' has a number of specific operational and functional requirements, the lack of suitable alternatives within the town centre, the availability of other units for B1, B2 and B8 uses, the economic benefits of the business and the fact that the unit had already been converted to A1 use, there is a reasoned argument for the facility being located on an allocated employment site. Overall, on the basis that the use is having no impact on the adjoining operators nor is it threatening the wider employment allocation on the estate, the development is, on balance, acceptable subject to conditions which will limit the use of the unit to the current operators and will prevent any permitted changes to other D2 uses.
- 3.21 The Local Planning Authority can grant permission for development which does not accord with the provisions of the development plan in force in the area under Article 20 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, subject to ratification by Council.

4. Current Situation

- 4.1 The application site is located within Bridgend Industrial Estate which is allocated and protected for employment uses falling within uses B1, B2 and B8 employment uses by policies REG1(2) and REG3 of the adopted Bridgend Local Development Plan (LDP). The application seeks retrospective consent for a Members Only Swimming Pool training facility.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 Whilst the application does not fully accord with the policies of the Bridgend Local Development Plan, the Members Only Swimming Pool use has already commenced.

6. Equality Impact Assessment.

- 6.1 A screening for Equality Impact has been undertaken and no negative issues have been identified.

7. Wellbeing of Future Generations (Wales) Act 2015

7.1 The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

7.2 The duty was considered in the assessment of the application and in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

8. Financial Implications

8.1 There are no direct financial implications as a result of this report.

9. Recommendation

9.1 That if Council is minded not to refuse the development then the Corporate Director Communities be given plenary powers to issue a decision notice in respect of this proposal to include the following conditions:

1. The development shall be carried out in accordance with the following documents and plans:

- a) Paragraphs 1.12 to 1.15 of the Planning and Access Statement by Prospero Planning dated April 2017
- b) Job No. 15-168 Dwg No. 001 Revision A received on 3rd May 2017.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The Members Swimming School facility hereby permitted shall be operated only by Water Wings Swim School. All materials and equipment brought into the premises in connection with the use permitted shall be removed within three months following the cessation of the occupation by the above named company.

Reason: To ensure that the Local Planning Authority retains effective control over the development, in the interests of highway safety.

3. The premises shall be used as a Member's Swimming School and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To ensure that the Local Planning Authority retains effective control over the development, in the interests of highway safety.

4. The use shall not be carried out outside the hours of 15:00 to 21:00 Monday to Friday and 08:30 to 14:45 on Saturdays and Sundays.

Reason: To ensure that the Local Planning Authority retains effective control over the development, in the interests of highway safety.

5. Within three months of the date of this permission the car parking shall be laid out within the site in accordance with drawing title: Layout of Development Drawing No: Figure 1.2 Revision A by Lime Transport received on 3rd May 2017. The parking spaces shall thereafter be kept available for the parking of vehicles in relation to this business in perpetuity.

Reason: In the interests of highway safety.

Mark Shephard
Corporate Director Communities
31 December, 2017

Contact Officer

Mr. Jonathan Parsons

Group Manager - Development

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Background documents

Appendix 1: Development Control Committee Report

REFERENCE: P/17/373/FUL

APPLICANT: Water Wings Swim School Unit 12d Kingsway Buildings, Bridgend Industrial Estate, CF31 3YH

LOCATION: **Unit 12d Kingsway Buildings Kingsway Bridgend Industrial Estate CF31 3YH**

PROPOSAL: Retention of the change of use of the former Bridgend Camping and Leisure Unit (Use Class A1) to a member's only swimming pool (Use Class D2)

RECEIVED: 3 May 2017

APPLICATION/SITE DESCRIPTION

The application is described as seeking retrospective permission for the change of use from a retail unit (Class A1) to a members only swimming pool (Class D2). It is a re-submission following a previous refusal of permission, (P/16/488/FUL refers).

This revised application has been accompanied by a detailed 'Planning Statement' which provides background information concerning the building and its planning history, details of the applicant company and a description of the proposal that is subject of this application which differs from that previously refused.

Unit 12d, the application premises, forms part of a complex of buildings that once accommodated the Sony Manufacturing Plant, off Western Avenue on Bridgend Industrial Estate. The unit was once used as a staff refectory and break out area and is centrally located, equidistant from Western Avenue and South Road which provide access to this site. From 2007, Unit 12d was used for the sale of camping and leisure goods, eventually receiving retrospective consent for the operation in 2013. This use however ceased in 2015 with the operator going into administration.

In 2016, the applicant company took over the lease and commenced the construction of the indoor swimming pool and other internal works. The internal arrangements are confirmed on the submitted plans and comprise a swimming pool (18m x 6m), two changing rooms, WC, plant room and viewing areas.

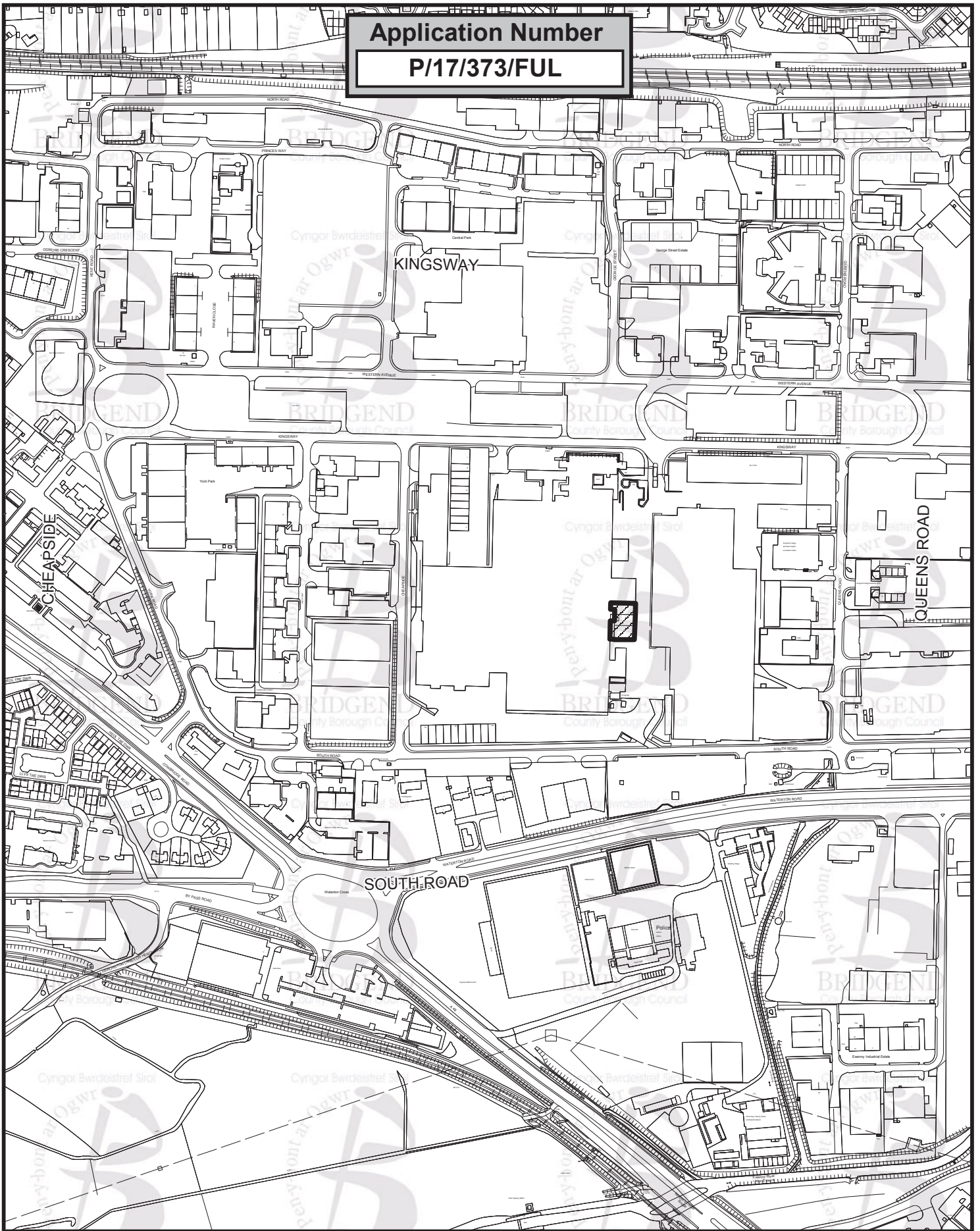
The application form indicates that the use commenced in October 2016. Water Wings School, the applicant company, is an established swim school business that previously operated from Bryntirion and Porthcawl Comprehensive Schools outside of school hours. The success of the swimming school and the need to expand the hours of operation required alternative premises for the business in the Bridgend area. The planning statement acknowledges that the business has commenced without permission but is seeking retrospective permission again on the basis of a number of changes to the business. The statement confirms that Water Wings is a private members pool that only provides swimming lessons to members of Water Wings Swim School. Membership is included within the cost of purchasing a block of lessons. The school has also reduced the hours of opening for the Water Wings facility which are as follows:

Monday to Friday: 3:30pm - 8:30pm
Saturday and Sunday: 8:45am - 2:45pm

The revised and reduced hours of operation are *"reflective of the new business model and the demand for lessons"*. They no longer include weekday mornings and early afternoon

Application Number

P/17/373/FUL



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Scale 1:5,000

Date Issued:
15/12/2017

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
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O:/Drive/Plandraw/new MI layouts/
Committee DC Plan

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sessions. In addition, the applicant company has reduced the swimming offer and no longer provide parent and baby/toddler swimming in the mornings or aqua zumba or pool parties.

A Transport Statement and Proposed Site Layout Plan, prepared by Lime Transport, has accompanied this resubmitted application. The report seeks to address concerns raised by the Highway Section in relation to the suitability of the site from a sustainable transport perspective and the likely conflict between pedestrians and vehicles due to the lack of a safe pedestrian route on site. An appraisal of the site's sustainability with reference to public transport provision has been included in the Transport Statement along with a calculation of trip generation and parking demand.

The statement and plans confirm that a total of 27 marked out parking spaces will be provided. Twenty one spaces will be marked out on the area to the front of the building with six bays to be provided along the eastern edge of the building, five of which will be dedicated to staff. A 1.5m wide buffer strip between these spaces and the building will provide a safe route, with lighting, for staff and customers to access the main entrance.

RELEVANT HISTORY

Until 2006/07, the building was part of the Sony manufacturing plant.

P/13/229/FUL - Retrospective permission was granted on 3 June 2013 for a change of use from Class B1/B2/B8 to Class A1 (Retail) - The permission was the subject of the following restrictive condition:

The premises shall be used only for the storage, display and sale of camping and caravan equipment together with ancillary complimentary goods and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To enable the Local Planning Authority to retain effective control over the form of retailing to be undertaken at the premises.

(Policy R9 of the Bridgend Unitary Development Plan)

P/16/488/FUL - Change of use from camping and leisure sales to outlet to private swim school and formation of swimming pool within the space. Application REFUSED permission on 11 November 2016 for the following reasons:

1. The use of the building as a 'Private Swim School' (Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) conflicts with Policy REG1 (2) which allocates and protects the land for employment purposes (Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) and it is considered that the use is not complementary to and/or ancillary to the industrial uses on Bridgend Industrial Estate. Insufficient information has been submitted to demonstrate that (i) no alternative location is sequentially preferable than the application site; (ii) the unit has been marketed for at least two years for employment uses; (iii) the site is accessible by a choice of means of transport; (iv) an industrial building is required to accommodate the use; (v) the use with other existing development does not threaten the status and character of Bridgend Industrial Estate; (vi) the operation of other industrial and employment uses would not be adversely affected and therefore the proposal does not comply with Policy REG 3 of the Bridgend Local Development Plan (2013).

2. Insufficient details of the proposed development have been submitted to enable an assessment of highway safety considerations to be made for compliance with Policies SP2, SP3, PLA4, and PL11 of the Bridgend Local Development Plan (2013).

PUBLICITY

Neighbours have been notified of the receipt of the application.

The application has also been advertised on site and in the local press as development that is out of accord with the policies of the Bridgend Local Development Plan (2013).

The period allowed for response to consultations/publicity expired on 1 November 2017.

CONSULTATION RESPONSES

Head of Street Scene (Highways): The current application (resubmission) is supported by a Technical Note prepared by Lime Transport. This suggests that the number of vehicular movements within the site (in the immediate vicinity of this particular unit) is low, as are vehicle speeds, during the typical opening hours of the proposed facility. This does not however indicate that the route pedestrians would need to take from the individual facility through the wider site and onto maintainable footway is safe. In this case it is considered that the issue of public safety should be an issue for the developer / landowner to deal with going forward as this is clearly not a matter of safety on the Highway network. Once outside the site perimeter it is acknowledged that there are footways leading away from the site.

With regard the issue of Public transport unfortunately the supporting Technical Note incorrectly suggests that the site is served by an hourly bus service. By inspection of the timetable it is clear that the site is served by only three buses on Mondays to Saturdays (8:01 am, 8:30am and 4:18pm) which makes the use of public transport an unsuitable mode of accessing the site. Accordingly the nearest reasonable public transport provision is on Cowbridge Road (A473), near the Tesco store and Police Headquarters, some 1km walking distance away which, whilst not ideal, could be considered favourably in this case.

It is unfortunate to note that the proposal is for a “members only swimming pool” which would not be considered as ancillary in any way to the surrounding uses. It is however noted that the opening hours and hence its use, will be limited. In regard to this concern it is noted that in an Appeal against the refusal of a Soft Play facility at the eastern end of the industrial estate, the Inspector determined that it would not be appropriate to refuse the application based on the un-sustainability of the site alone. Subject to a suitable condition restricting the opening hours and operation of the facility to those detailed in the submission, the Transportation Policy and Development Section has no objection to the development.

Economic Development: A review of the Welsh Government's property database has been undertaken which confirms a supply of units ranging from 846 sq.m to 1687 sq.m on Bridgend, Ewenny and Waterton Industrial Estates. Although the Council does not retain details of all enquiries for premises, the Team Leader - Projects does not recall requests for units of the size of the application site. Enquiries have generally been for smaller 'start up' units. Accordingly there are no objections to the application from the Economic Development Team.

Furthermore, Technical Advice Note (TAN) 23 says that it is essential that the economic benefits associated with new development are given due weight. Planning Policy Wales Chapter 7 (PPW7) requires all authorities to adopt a positive and constructive approach to applications for economic development. The application is from an established business that offers regular part time employment opportunities to local residents.

Coychurch Lower Community Council: The council see no need to object to this proposal but would draw your attention to the lack/inadequacy of parking arrangements. The Trading Estate already suffers from on street parking problems and we would not like to see this problem increased in anyway.

REPRESENTATIONS RECEIVED

No representations have been received from the occupiers of the adjacent units.

COMMENTS ON REPRESENTATIONS RECEIVED

With regard to the Community Council's opinion on the parking provision at the site, it is noted that the Head of Street Scene (Highways) considers the parking arrangements to be acceptable.

APPRAISAL

The application is reported to Committee as a departure from the Local Development Plan (LDP). More specifically, the application does not fully accord with the criteria of Policy REG3 of the Bridgend Local Development Plan (2013). Although applications for planning permission should be determined in accordance with the adopted development plan, there are material considerations in this case that outweigh the policy conflict which are considered in detail in the following sections of the report.

The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land and protecting natural resources and the historic environment. A well-functioning planning system is fundamental for sustainable development. (Paragraph 1.2.1 of Planning Policy Wales - Edition 9 - November 2016 refers).

Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers). The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) to carry out sustainable development and it is accepted that a plan-led approach is the most effective way to secure sustainable development through the planning system.

The adopted (LDP) which was subject to a Sustainability Appraisal, seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development.

In order to meet the varying requirements of business, and to provide access to employment and training for all residents of the County Borough, a range and choice of vacant sites on 120 hectares of land is identified and protected for employment (B1, B2 and B8 uses) purposes. If Bridgend is to retain its competitive industrial base it is imperative that the area is able to offer a broad portfolio of sites.

In addition to those Strategic sites identified and safeguarded under Policy SP9 of the LDP, Policy REG1 also identifies a variety of employment sites suitable for employment uses of varying size and type. The application site is located on Bridgend Industrial Estate and is therefore in an area allocated and protected for employment purposes (B1, B2 &

B8). Development proposals which seek to change the use of existing employment buildings on REG1 sites to uses within Class D2 will be assessed against LDP Policy REG3. In 2015, the Council adopted supplementary planning guidance that deals with the protection of identified employment sites and circumstances where alternative uses, including D2 uses, may be acceptable (SPG2). It outlines those uses which are considered as 'exceptions' in terms of the protection of employment land for its primary function, the nature of D2 use classes that may be permitted on employment sites and guidance on site selection and submission of planning applications which meet the criteria contained in the relevant LDP policies.

The main issues in the determination of this application include the effect of the use on the supply of employment land, highway safety and whether it is a sustainable form of development having regard to the demand for travel. Consideration must also be given to any other material considerations such as the economic and social benefits of the development which may outweigh any local policy conflicts.

Unlike the previously refused application, this resubmission has been accompanied by a planning statement which seeks to address both local and national policy. It contends that the development is not only compliant but has economic and social benefits that should also be considered.

The applicant's agent has identified the relevant policies of the LDP (Policies SP2, REG1, REG2 and REG3) against which the application should be assessed. Policy REG2 seeks to protect employment sites and confirms that proposals which result in the loss of existing or proposed employment land or buildings will only be acceptable if they are for uses which will be complementary and/or ancillary or for *sui generis* uses which are suitably located on an industrial estate. The agent's supporting statement does not seek to claim that the members' swimming pool is a complementary use but suggests that, given the limited number of non-traditional employment uses currently present, it is considered that the continued use of this unit for 'non B1, B2, and B8' uses will not fundamentally alter the nature of the Industrial Estate. Indeed, it is argued that, as the Council has already accepted the loss of this unit for employment in granting an A1 retail consent in 2013, the change of use from A1 retail to D2 may prevent the loss of any further, vacant employment units in an alternative location given the known requirements for the proposed development and the type of unit that is therefore required.

LDP Policy REG3 confirms that proposals which result in the change of use of existing employment (B1, B2 and B8) buildings to uses within Class D2 of the Use Classes Order on Policy REG1 sites will be permitted provided that:

1. In sequential order of preference, all suitable retailing and commercial centre, edge-of-centre and out-of-centre sites and buildings have been assessed and found unsuitable;
2. The building has been vacant for at least 2 years and has been actively marketed for employment uses throughout that time;
3. The site is accessible by a choice of means of transport other than the car;
4. It is demonstrated that a former industrial building is required to accommodate the use;
5. The proposal, in terms of size and number, either singularly or cumulatively with other existing or permitted developments, is clearly subordinate to the employment use of the area and does not threaten the status and character of the wider allocation as an employment site for B1, B2 or B8 uses; and
6. The operations of other industrial and employment uses in the vicinity of the site would not be adversely affected.

The applicant's planning statement contends that Policy REG3 seeks to permit changes of use from traditional employment uses such as B1, B2 and B8 uses to non-traditional employment uses, in line with up to date national policy.

Criterion 1 of Policy REG3 seeks to ensure that suitable alternative premises have been assessed and no viable and suitable alternative is available in a more sustainable location.

The supporting statement confirms that the Water Wings Swim School business is local with its client base being in the Bridgend area. Accordingly, when they were seeking to expand, the search for appropriate premises was within and around Bridgend town centre. The applicant worked with a number of local property agents (listed in the planning statement) to find suitable and acceptable premises. The search for the new premises commenced in late 2015 and a number of properties that were on the market at that time were viewed. Of the few that were capable of accommodating a swimming pool, the application site was the only premises that proved a viable option.

It was also the only unit where the landlord was willing to allow a swimming pool to be constructed. It should also be noted that, of the units suitable to house a swimming pool in terms of construction requirements, the units were all industrial in nature and on industrial estates. The applicant's agent indicates that the exception to this was the application site which had previous retail permission and, as such, was no longer in employment use.

Criterion 2 of Policy REG3 establishes a requirement for any commercial unit to be vacant for at least 2 years and actively marketed for employment uses during that period. On the basis of the information before the Council, there is some uncertainty as to when Bridgend Camping and Leisure vacated the site but it is understood that the company went into administration in 2015. The applicant's statement indicates that Bridgend Camping and Leisure ceased trading at the premises some time prior to going into administration but it is unclear whether the unit had been vacant for in excess of two years at the time the application was submitted. The agent has confirmed that marketing of the unit could not, however, commence immediately because of the legal restrictions associated with the administration process. It is accepted by the agent that the unit may not have been vacant for the time prescribed in the policy but there is documented evidence that the unit was marketed as part of the wider site for at least a year.

Criterion 3: The site is accessible by a choice of means of transport other than the car,

The Transport Statement submitted in support of the application has identified the closest active bus stop which is some 270m to the north on Western Avenue. The statement suggests that the site is served by an hourly bus service but this is incorrect with the timetable confirming that only three buses on Mondays to Saturdays (8:01am, 8:30am and 4:18pm) operate. Car sharing is however encouraged amongst its staff and students that live within the same area or attend the same classes and the applicant company is keen to further promote car sharing and can offer to introduce new students to others in the group lessons that are keen to find a car share partner.

The application site is located on land allocated for development which is within the primary key settlement of Bridgend, so defined under Policy PLA1 and is the focus of employment, retail and services serving the whole of the County Borough. Whilst it is accepted that public transport services to the site are infrequent and limited, safe routes and bus stop facilities exist and arguably the supply of services through the estate could increase in the future to correspond with any increase in demand. The applicant company acknowledges that, for the majority of customers, particularly very young children, the residential catchment will be outside reasonable walking limits. On the basis that the

customer base is within the Bridgend area the journey lengths, even by car, will be reasonably short.

Notwithstanding the local and national objectives relating to sustainable transport, any use of this building would generate traffic and, therefore, it may be difficult to argue that the use is so unsustainable to warrant refusing planning permission for this reason alone.

Criterion 4 of the Policy has been addressed in the supporting statement with the applicant indicating that only an industrial type building could accommodate this proposal. The Council has no evidence to counter this claim and it is noted that the pool is not an excavated, traditional swimming pool. It is an above ground pool and would not require a major building operation for the structure to be removed.

Criterion 5 requires the decision maker to consider the extent of the non-conforming uses and whether they remain subordinate to the employment use of the area and do not threaten the status and character of the wider allocation as an employment site for B1, B2 or B8 uses.

The applicant's supporting statement refers to the current number of vacant units on Bridgend Industrial Estate and there being no shortage of B1, B2 and B8 floorspace in the vicinity of Unit 12D. Although the applicant has not provided surveys to support the aforementioned statement, a recent review of the Welsh Government's property database confirms a supply of comparable, available units on Bridgend, Ewenny and Waterton Industrial Estates. Current demand has also been for smaller 'start-up' units. The current use of the building does not threaten the status of the employment allocation and accordingly the Economic Development Section has not opposed the application.

Furthermore, the operations of other industrial and employment uses in the vicinity of the site do not appear to be affected, with the supporting statement indicating that the reduction in the operational hours to those outside of the general hours of the surrounding businesses should minimise any conflict. It is noted that no objections to the operation were previously raised during the consultation on the previous planning applications or as part of this new application.

Policy SP2 of the LDP is the overarching policy against which all applications must be assessed. All development is required to contribute to creating high quality attractive sustainable places, which enhance the community in which they are located. The Policy establishes fifteen criteria against which development proposals will be assessed and in respect of this application. Due to the nature of the development, only some of the fifteen criteria are relevant to the assessment of the application and they are considered as follows:

Complying with all relevant national policy and guidance where appropriate;

National policy, (Planning Policy Wales) reminds decision makers that traditional business use, classes B1-B8, only account for part of the activity in the economy and that the planning system must recognise the economic aspects of all development. Where a planning authority is considering a planning application that could cause harm, Technical Advice Note 23: Economic Development (February 2014) requires planning authorities to consider three questions in order to help clarify and balance the economic, social and environmental issues. In all cases robust evidence should be provided to support these tests:

1. Alternatives: if the site is not available (acceptable) could the use be provided on a site where the development would cause less harm and if so where?
2. Jobs accommodated: how many direct jobs will be based at the site?

3. Special Merit: would the development make any special contribution to policy objectives?

The first test follows the principle that the planning system should steer development to the most sustainable locations. The planning statement confirms that a review of alternative premises was undertaken through a number of local agents. Of the few that were capable of housing a swimming pool, the only premises that proved a viable option were all previously industrial in nature and on industrial estates. The applicant's agent indicates that the exception to this was the application site which had retail permission and as such was no longer in employment use.

The application forms for the previously refused scheme confirmed that the equivalent of 4 full time jobs had been created as a result of the development. This has been increased over time with the business now employing 10 swimming teachers, 4 lifeguards and a dedicated receptionist. The direct and indirect economic benefits of the business are indeed worthwhile and are afforded some weight in the determination of the application.

Test 3 considers whether developments make a special contribution to national policy objectives but, considering the scale of the development and the nature of the use, this test is not relevant in this instance.

Having good walking, cycling, and public transport and road connections within and outside the site to ensure efficient access;

On the previous application, the Head of Street Scene (Highways) opposed the development on the basis that the application lacked sufficient supporting information which prevented a comprehensive assessment of the development from a highway safety perspective. The Planning and Transport Statement that accompanied this revised application have enabled such an assessment to be made and the consultant's conclusion that the site could operate without being detrimental to highway safety is accepted.

The use of other modes of transport to serve the development have been considered in an earlier section of the appraisal.

Given the scale and nature of the use, pollution is unlikely to be an issue. No adverse comments have been received from the Council's consultees.

Ensuring equality of access by all;

The swim school is located on one level and the internal arrangements have been designed to allow access for all.

Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;

As referred to elsewhere in this report, the use appears to have no detrimental impacts on the adjoining commercial uses.

Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;

The comments received from Dwr Cymru/Welsh Water and the Council's Land Drainage Engineers indicate that the drainage arrangements are acceptable. The Council is not aware of any capacity issues in the existing foul and surface water network.

Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development

Planning contributions (or obligations) secured by Section 106 agreements linked to new development are a mechanism for securing improvements to public transport and are widely used to bring development in line with sustainability requirements, for encouraging accessible public transport provision and for securing more sustainable patterns of transport development. Only those developments which have a significant travel impact should be subject to the requirement to provide public transport improvements or for paying a contribution towards public transport enhancements. Given the scale of this development, it is questionable whether it has a significant travel impact in the context of the wider industrial estate.

CONCLUSION

The policies of the adopted Bridgend Local Development Plan (2013) identify and protect land for employment in order to meet the varying requirements of business and to provide access to employment for all residents. Exceptions to the traditional B1, B2 and B8 uses on the allocated industrial sites can however, be considered where they are complementary or ancillary to the main industrial uses or where a *sui generis* use is suitably located on employment land.

In response to the significant demand and pressure to allow certain D2 (Assembly and Leisure) uses, particularly indoor recreation facilities, the loss of employment uses may be permitted subject to certain criteria. The agent's planning statement suggests that weight should be afforded to the previous planning permission for retailing from the unit and contends that the current application should not be tested against Policies REG2 and REG3 of the LDP.

Any decision made by the Council must have regard to the adopted policies of the local plan but it is accepted that previous planning decisions, depending on their status, may be afforded weight. The previous permission referred to in the 'Planning History' section of this report permitted only limited retailing from the premises, namely the storage, display and sale of bulky camping and caravan equipment and ancillary complimentary goods. On the basis of the site visit undertaken in connection with the previously refused application, all the fixtures and fittings of the former use had been replaced by the swimming pool and ancillary rooms. The applicant's agent has however indicated that the 'proposed' use only takes up about 30-40% of the original unit. The remaining 60-70% of the unit is exactly as the previous retail occupier left it and could be readily converted back to A1 retail without the need for planning permission. Whether the former use has been 'abandoned' is a matter of law but, on the basis of the information available, it is difficult to reach a conclusion on this matter.

In assessing this retrospective use against the aforementioned policies, it is considered that a 'members only swimming pool' is neither complementary nor ancillary and is certainly not a *sui generis* use. Furthermore, despite the claims in the supporting statement, the proposal does not fully accord with the criteria of Policy REG3. Firstly, it is questionable whether the unit had been vacant for at least 2 years before it was occupied by the swim school and secondly, the opportunities to access the site by other means of transport other than the car are limited. For the remaining criteria of the Policy, the application has sought to demonstrate that alternative locations were considered but no suitable buildings in a sequentially more appropriate location were identified, the use is having no impact on the adjoining operators and that such D2 uses remain subordinate and currently do not threaten the wider employment allocation. This is a position the Local Planning Authority accepts.

Creating 'Cohesive Communities' has the potential to contribute to the Well-being of Future Generations agenda and the planning system is required to locate developments

so as to minimise the demand for travel, especially by private car. Although the site is not well served by public transport it is nevertheless located in the Primary Key Settlement of Bridgend as identified by the Bridgend Local Development Plan (2013). It is so defined on the basis that it is the focus of employment, retail and services for the whole of the County Borough. Furthermore, Bridgend Industrial Estate is described in the Local Development Plan as being a highly sustainable and accessible destination benefiting the wider region and the County Borough as a whole.

The applicant company acknowledges that for the majority of customers, particularly very young children, the residential catchment will be outside walking limits. On the basis that the customer base is within the Bridgend area, the journey lengths, even by car, will be reasonably short. Notwithstanding the local and national objectives relating to sustainable transport and criterion 3 of Policy REG3, any use of this building would generate traffic and therefore it may be difficult to argue that the use is so unsustainable to warrant refusing planning permission for this reason alone.

The applicant's failure to market the vacant unit for at least two years also represents a falling in the context of the aforementioned policy. The material planning harm assessed by having failed to undertake this exercise is, however, difficult to substantiate. Had this process been undertaken correctly, it could be argued that the unit could have been occupied by a B1, B2 or B8 use. This is, however hypothetical and does not constitute sound evidence that could be relied upon.

National policy (Planning Policy Wales) requires that planning authorities identify three questions for Local Planning Authorities to help clarify and balance the economic, social and environmental issues.

The first test follows the principle that the planning system should 'steer' development to the most sustainable location. Of the few that were capable of housing a swimming pool, the only premises that proved a viable option were all previously industrial in nature and on industrial estates. The applicant's agent indicates that the exception to this was the application site which had most recently been used for retail purposes and as such was no longer in employment use

The planning statement confirms that the business now employs 10 swimming teachers, 4 lifeguards and a dedicated receptionist. The direct and indirect economic benefits of the business should not be dismissed and in this case are afforded some weight against the scheme's policy deficiencies as set out above.

One factor that should also be considered is the next steps in the process after any decision to refuse planning permission, namely the service of enforcement notices to cease the use. Although, it is not the Local Planning Authority's responsibility, nor a requirement to identify, or provide, alternative sites to which unauthorised development might be relocated, as part of its economic development functions, the authority should be in a position to suggest more appropriate locations. Given the nature and physical requirements of the use, a similar type of building would be required and in all probability that is likely to be on an industrial estate.

Overall, on the basis that the use is having no impact on the adjoining operators nor is it threatening the wider employment allocation on the estate, the development is, on balance, acceptable. In reaching this conclusion, weight has been afforded to the economic benefits of the business and the former retail use of the unit. Conditions will however be imposed limiting use of the unit to the current operators and preventing any change to other D2 uses.

The Local Planning Authority can grant permission for development which does not accord with the provisions of the development plan in force in the area under Article 20 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 subject to ratification by Council.

RECOMMENDATION

(A) That the application be referred to Council as a proposal that represents a departure from the Development Plan which the Development Control Committee are not disposed to refuse as the application has sought to demonstrate that alternative locations were considered but no suitable buildings in a sequentially more appropriate location were identified, the use has no impact on the adjoining operators and that such D2 uses remain subordinate to and currently do not threaten, the wider employment allocation of the industrial estate. Critically, the business provides employment for up to 14 people which benefit the local economy.

(B) That if Council resolve to approve the proposal, the following conditions be attached to the consent:-

1. The development shall be carried out in accordance with the following documents and plans:
 - a) Paragraphs 1.12 to 1.15 of the Planning and Access Statement by Prospero Planning dated April 2017
 - b) Job No. 15-168 Dwg No. 001 Revision A received on 3rd May 2017.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The Members Swimming School facility hereby permitted shall be operated only by Water Wings Swim School. All materials and equipment brought into the premises in connection with the use permitted shall be removed within three months following the cessation of the occupation by the above named company.

Reason: To ensure that the Local Planning Authority retains effective control over the development, in the interests of highway safety.

3. The premises shall be used as a Member's Swimming School and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To ensure that the Local Planning Authority retains effective control over the development, in the interests of highway safety.

4. The use shall not be carried out outside the hours of 15:00 to 21:00 Monday to Friday and 08:30 to 14:45 on Saturdays and Sundays.

Reason: To ensure that the Local Planning Authority retains effective control over the development, in the interests of highway safety.

5. Within three months of the date of this permission the car parking shall be laid out within the site in accordance with drawing title: Layout of Development Drawing No: Figure 1.2 Revision A by Lime Transport received on 3rd May 2017. The parking

spaces shall thereafter be kept available for the parking of vehicles in relation to this business in perpetuity.

Reason: In the interests of highway safety.

6. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

Welsh Water Developer Services have advised the following:

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru/Welsh Water. Please note that issuing of a Discharge Consent is independent of the planning process and consent may be refused although planning permission is granted.

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS
None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

31 January 2018

REPORT OF CHIEF EXECUTIVE

ANNUAL IMPROVEMENT REPORT (AIR) 2016-17 - BRIDGEND COUNTY BOROUGH COUNCIL

1. Purpose of Report

- 1.1 To introduce the report of the Auditor General to Council (**Appendix A**).

2. Connection to Corporate Improvement Objectives / Other Corporate Priority

- 2.1 The Wales Audit Office (WAO) report assesses whether or not the Council meets its continuous improvement duties under the Local Government (Wales) Measure 2009, taking account of a range of audit, regulatory and inspection work reported during 2016-17.

3. Background

- 3.1 The Local Government (Wales) Measure 2009 requires the Auditor General to undertake a forward-looking annual improvement assessment and to publish an annual improvement report for each improvement authority in Wales.
- 3.2 For 2016-17, the Auditor General undertook improvement assessment work at all councils under three themes: governance, use of resources, and improvement planning and reporting. For some councils, local risk-based audits were also carried out.
- 3.3 The Wales Audit Office undertook the following individual projects under the above mentioned themes for Bridgend County Borough Council during 2016-17:
- Good governance when determining service changes (the full report is attached as **Appendix B**)
 - Annual audit letter 2015-16, under the Public Audit (Wales) Act 2014
 - Savings planning
 - Corporate assessment follow up
 - Annual improvement plan audit
 - Annual assessment of performance audit

A summary of the findings for each project is set out in Exhibit 1 (pp. 6-90 of the attached report).

- 3.4 The report also includes a summary of the national studies the WAO undertook during the year (Exhibit 2, pp. 14-16), with recommendations that require all local authorities to address.

4. Current situation / proposal

4.1 The overall conclusion of the AIR is positive, as follows:

The Council is meeting its statutory requirements in relation to continuous improvement, and that based on the work carried out by the WAO and relevant regulators the Council is likely to comply with the requirements of the Local Government Measure (2009) during 2017-18.

4.2 Headline findings under each project are summarised below:

Good governance when determining service changes

Findings – “the Council has clear priorities that shape its decisions on significant service change and it seeks to learn and improve its arrangements, but there is scope to improve the accessibility of some information”.

The Auditor General did not make any formal recommendations but made three proposals for improvement:

P.1. the Council should improve the availability and accessibility of information relating to decision-making on significant service change, including, for example, publishing Forward Work Programme(s) that cover Cabinet and Council business.

P.2 the Council should resolve how it will embed the sustainable development principle into decision-making.

P.3 the Council should clearly set out how the impact of service change will be monitored at the point of decision.

Annual audit letter 2015-16

Finding – “the Council complied with its responsibilities relating to financial reporting and use of resources”.

The Auditor General did not make any formal recommendations nor proposals for improvement.

Savings planning

Finding – “whilst the Council has a sound financial planning framework underdeveloped savings plans may not fully support future financial resilience”.

The Auditor General did not make any formal recommendations but made one proposal for improvement:

P.1 - Strengthen financial planning arrangements by ensuring that savings proposals are:

- fully developed;
- clearly identified over the period of the MTFP; and
- include realistic delivery timescales prior to inclusion in the annual budget.

Corporate assessment follow up

Finding – “the Council has responded effectively to the issues we raised in the Corporate Assessment and has either fully implemented our proposals for improvement or has made progress against them”.

The Auditor General did not make any formal recommendations nor proposals for improvement.

Annual improvement plan audit

Finding – “the Council has complied with its statutory improvement planning duties”.

The Auditor General did not make any formal recommendations nor proposals for improvement.

Annual assessment of performance audit

Finding – “the Council has complied with its statutory improvement reporting duties”.

The Auditor General did not make any formal recommendations nor proposals for improvement.

- 4.3 The Council has responded positively to the issues raised by the WAO and has been taking action to address each area that requires improvement as follows.

Good governance when determining service changes

- P.1 - The Council has published its Forward Work Programmes for Cabinet, Council and Scrutiny on its website for the period 1 Jan 2018 – 30 April 2018. The programmes are scheduled for review on a quarterly basis to cover those topics being considered by Cabinet and Council during the subsequent 4-month period. Further work is being undertaken to harmonise procedures for the Scrutiny work programmes.
- P.1 - The Council is redesigning its website to improve availability and accessibility of information. The new website is planned to be launched to the public late spring 2018, depending on a successful test with internal stakeholders.
- P.2 - The Council has revised its Corporate Report Template to include a paragraph relating to the implications of the Wellbeing of Future Generations Act, and has developed a Well-being of Future Generations Assessment Form. The paragraph will summarise any potential impacts identified during the completion of the Well-being of Future Generations Assessment form. The revised template will be implemented from 1 April 2018 onward. Training of the senior officers in the Wellbeing of Future Generations Act and the use of the assessment form will be undertaken before the implementation date.
- P.3 - The Well-being of Future Generations Assessment Form ensures that the five ways of working and the seven Wellbeing Goals are considered as part of the decision making process. Use of the revised template will enable any

potential impacts of service changes to be identified and proposals to maximise any positive impacts or minimise any negative impacts to be provided as necessary.

Savings planning

P.1 - The Council has the following in response to the proposal of strengthening financial planning arrangements in relation to savings:

- As part of the MTFS planning process, directorates are required to submit implementation plans with their budget proposals. This includes information on:
 - The amount of saving to be realised in each financial year;
 - Key milestones, including any consultation periods and cabinet reports;
 - Timeline of key stages; and
 - Risks to achievement.
- These are then reviewed again prior to the start of the financial year, and any issues flagged.
- During the financial year, the Authority monitors budget reductions against targets and report to Cabinet during the quarterly monitoring reports. Directors are tasked with identifying mitigating actions or seeking alternative reduction proposals to offset the shortfalls.
- In cases where the achievement of the saving is out of the directorate's control, there is a corporate MTFS Contingency Fund in place which the S151 Officer can use to provide short term cover, prior to the directorate seeking alternative proposals going forward, or meeting the budget reduction in full.

5. Effect upon Policy Framework& Procedure Rules

5.1 There is no effect upon the Policy Framework and the Procedure Rules.

6. Equality Impact Assessment

6.1 No equality impact assessment has been undertaken as the Auditor General's Annual Improvement Report is essentially a retrospective assessment of the Council's performance.

7. Financial Implications

7.1 There are no financial implications in this report.

8. Recommendation

8.1 That Council notes the Annual Improvement Report and the Good Governance when Determining Significant Service Changes report produced by the WAO.

Darren Mepham
Chief Executive, Bridgend County Borough Council
19 January 2018

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Background documents

None

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WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU

Annual Improvement Report 2016-17 – Bridgend County Borough Council

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This Annual Improvement Report has been prepared on behalf of the Auditor General for Wales by Samantha Clements, Tim Buckle and Steve Barry under the direction of Huw Rees.

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Together with appointed auditors, the Auditor General audits local government bodies in Wales, including unitary authorities, police, probation, fire and rescue authorities, national parks and community councils. He also conducts local government value for money studies and assesses compliance with the requirements of the Local Government (Wales) Measure 2009.

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We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

Mae'r ddogfen hon hefyd ar gael yn Gymraeg. This document is also available in Welsh.

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Summary report

2016-17 performance audit work

- 1 In determining the breadth of work undertaken during the year, we considered the extent of accumulated audit and inspection knowledge as well as other available sources of information including Bridgend County Borough Council's (the Council) own mechanisms for review and evaluation. For 2016-17, we undertook improvement assessment work at all councils under three themes: governance, use of resources, and improvement planning and reporting. At some councils, we supplemented this work with local risk-based audits, identified in the Audit Plan for 2016-17.
- 2 The work carried out since the last Annual Improvement Report (AIR), including that of the relevant regulators, is set out in [Exhibit 1](#).

The Council is meeting its statutory requirements in relation to continuous improvement

- 3 Based on, and limited to, the work carried out by the Wales Audit Office and relevant regulators, the Auditor General believes that the Council is likely to comply with the requirements of the Local Government Measure (2009) during 2017-18.

Recommendations and proposals for improvement

- 4 Given the wide range of services provided by the Council and the challenges it is facing, it would be unusual if we did not find things that can be improved. The Auditor General is able to:
- make proposals for improvement – if proposals are made to the Council, we would expect it to do something about them and we will follow up what happens;
 - make formal recommendations for improvement – if a formal recommendation is made, the Council must prepare a response to that recommendation within 30 working days;
 - conduct a special inspection, and publish a report and make recommendations; and
 - recommend to ministers of the Welsh Government that they intervene in some way.
- 5 During the course of the year, the Auditor General did not make any formal recommendations. However, a number of proposals for improvement have been made and these are repeated in this report. We will monitor progress against them and relevant recommendations made in our national reports ([Appendix 3](#)) as part of our improvement assessment work.

Audit, regulatory and inspection work reported during 2016-17

Exhibit 1: audit, regulatory and inspection work reported during 2016-17

Issue date	Brief description	Conclusions	Proposals for improvement
Governance			
March 2017	Good governance when determining service changes	<p>The Council has clear priorities that shape its decisions on significant service change and it seeks to learn and improve its arrangements, but there is scope to improve the accessibility of some information:</p> <ul style="list-style-type: none"> • the Council has identified three corporate priorities that clearly inform its decisions on significant service changes; • the Council benefits from generally clear governance and accountability arrangements and positive working relationships between officers and members; • the Council typically considers a range of options for significant service changes that are supported by clear information, but they are not generally accompanied by a formal options appraisal; • the Council has generally effective consultation arrangements when considering significant service changes and it continues to develop them, though the accessibility of information could be improved; • the Council monitors financial savings and the impact of some significant service changes, though this could be strengthened by clearly setting out how impact will be monitored at the point of decision; and • the Council is learning from its experience to improve its arrangements for determining and delivering service changes. 	<p>P1 The Council should improve the availability and accessibility of information relating to decision-making on significant service change, including, for example, publishing Forward Work Programme(s) that cover Cabinet and Council business.</p> <p>P2 The Council should resolve how it will embed the sustainable development principle into decision-making.</p> <p>P3 The Council should clearly set out how the impact of service change will be monitored at the point of decision.</p>

Issue date	Brief description	Conclusions	Proposals for improvement
Use of resources			
November 2016	<p>Annual audit letter 2015-16</p> <p>Letter summarising the key messages arising from the Auditor General's statutory responsibilities under the Public Audit (Wales) Act 2004 and his reporting responsibilities under the Code of Audit Practice. The Annual Audit Letter is in Appendix 2 of this report.</p>	<ul style="list-style-type: none"> The Council complied with its responsibilities relating to financial reporting and use of resources; I am satisfied that the Council has appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources; and I issued a certificate confirming that the audit of the accounts has been completed on 30 September 2016. 	None
March 2017	<p>Savings planning</p> <p>Review of the Council's financial savings arrangements, including how well it is delivering the required savings and whether it has robust approaches to plan, manage and deliver budget savings, at a pace that supports financial resilience.</p>	<p>Whilst the Council has a sound financial planning framework underdeveloped savings plans may not fully support future financial resilience:</p> <ul style="list-style-type: none"> the Council has reported achievement of 83% of its planned 2015-16 savings in year and can demonstrate that individual savings have been delivered; the Council has an effective corporate framework for financial planning but its indicative savings plans lack detail; and some of the Council's approved savings plans for 2016-17 are not well developed and lack sufficient detail, increasing the risk that they will not be delivered in the planned timescale. 	<p>P1 Strengthen financial planning arrangements by: ensuring that: savings proposals are:</p> <ul style="list-style-type: none"> fully developed clearly identified over the period of the MTFP and include realistic delivery timescales prior to inclusion in the annual budget.

Issue date	Brief description	Conclusions	Proposals for improvement
Local risk-based performance audit			
	<p>Corporate Assessment Follow up</p> <p>This report examines whether the Council is making effective progress against the proposals for improvement issued in the Corporate Assessment report.</p>	<p>We found that the Council has responded effectively to the issues we raised in the Corporate Assessment and has either fully implemented our proposals for improvement or has made progress against them. We came to this conclusion because:</p> <ul style="list-style-type: none"> • the Council has established a vision for 2020 that will support a strategic approach to service delivery and guide service planning. • the Council is refining its performance reporting. • the Council includes the rationale for targets in performance reports where appropriate, and these set out the scale of improvement expected. • the Council is working towards ensuring 'measures of success' enable an evaluation of intended performance and that the explanation of performance is based upon that measure. • the Council has more clearly defined how it applies RAG ratings within Scrutiny and Corporate Performance Assessment (CPA) reports and is refining its public performance reporting to ensure it clearly states whether the Council has achieved what it intended. • there have been developments in the ICT service to ensure it supports the Council's transformation agenda; some actions have been completed whilst others are progressing, but are at a formative stage. • workforce considerations are now embedded in service business planning. There are other developments in progress within the HR service, that, whilst not explicitly supporting the Council's transformation agenda, are intended to develop the HR service. • Service Business Plans now incorporate consideration of future property requirements. • Public Services Boards have replaced Local Service Boards and there remains scope to strengthen arrangements with regard to the adoption of measures to evaluate the success of the key collaborative activities. 	None

Issue date	Brief description	Conclusions	Proposals for improvement
Improvement planning and reporting			
May 2016	<p>Wales Audit Office annual improvement plan audit</p> <p>Review of the Council's published plans for delivering on improvement objectives.</p>	The Council has complied with its statutory improvement planning duties.	None
November 2016	<p>Wales Audit Office annual assessment of performance audit</p> <p>Review of the Council's published performance assessment.</p>	The Council has complied with its statutory improvement reporting duties.	None
Reviews by inspection and regulation bodies – no local work			

Appendix 1

Status of this report

The Local Government (Wales) Measure 2009 (the Measure) requires the Auditor General to undertake a forward-looking annual improvement assessment, and to publish an annual improvement report, for each improvement authority in Wales. Improvement authorities (defined as local councils, national parks, and fire and rescue authorities) have a general duty to 'make arrangements to secure continuous improvement in the exercise of [their] functions'.

The annual improvement assessment considers the likelihood that an authority will comply with its duty to make arrangements to secure continuous improvement. The assessment is also the main piece of work that enables the Auditor General to fulfil his duties. Staff of the Wales Audit Office, on behalf of the Auditor General, produce the annual improvement report. The report discharges the Auditor General's duties under section 24 of the Measure, by summarising his audit and assessment work in a published annual improvement report for each authority. The report also discharges his duties under section 19 to issue a report certifying that he has carried out an improvement assessment under section 18 and stating whether (as a result of his improvement plan audit under section 17) he believes that the authority has discharged its improvement planning duties under section 15.

The Auditor General may also, in some circumstances, carry out special inspections (under section 21), which will be reported to the authority and Ministers, and which he may publish (under section 22). An important ancillary activity for the Auditor General is the co-ordination of assessment and regulatory work (required by section 23), which takes into consideration the overall programme of work of all relevant regulators at an improvement authority. The Auditor General may also take account of information shared by relevant regulators (under section 33) in his assessments.

Appendix 2

Annual Audit Letter

Councillor Huw David
The Leader
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Reference: PA211/DO/hcj
Date issued: 28 November 2016

Dear Councillor David

Annual Audit Letter – Bridgend County Borough Council 2015-16

This letter summarises the key messages arising from my statutory responsibilities under the Public Audit (Wales) Act 2004 and my reporting responsibilities under the Code of Audit Practice.

The Council complied with its responsibilities relating to financial reporting and use of resources

It is the Council's responsibility to:

- put systems of internal control in place to ensure the regularity and lawfulness of transactions and to ensure that its assets are secure;
- maintain proper accounting records;
- prepare a Statement of Accounts in accordance with relevant requirements; and
- establish and keep under review appropriate arrangements to secure economy, efficiency and effectiveness in its use of resources.

The Public Audit (Wales) Act 2004 requires me to:

- provide an audit opinion on the accounting statements;
- review the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources; and

- issue a certificate confirming that I have completed the audit of the accounts.

Local authorities in Wales prepare their accounting statements in accordance with the requirements of the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom. This Code is based on International Financial Reporting Standards. On 30 September 2016 I issued an unqualified audit opinion on the accounting statements confirming that they present a true and fair view of the Council's financial position and transactions. My report is contained within the Statement of Accounts. The key matters arising from the accounts audit were reported to members of the Audit Committee in my Audit of Financial Statements report on the 29 September 2016, and a more detailed report has also been issued.

Overall the statement of accounts and associated working papers provided for audit were of a reasonable standard although there was some initial confusion over what our expectations were for supporting working papers etc. Officers were very helpful and supplied us with all the information we requested, although there were occasional delays, which is to be expected when information is being collated for the first time. One of the more significant issues noted in my Audit of Financial Statements Report related to a number of debtors and creditors balances that had been incorrectly classified or incorrectly netted up or down. These were mainly historic balances and were corrected in the certified statements, officers have undertaken to ensure these issues do not reoccur in future years.

I am satisfied that the Council has appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources

My consideration of the Council's arrangements to secure economy, efficiency and effectiveness has been based on the audit work undertaken on the accounts as well as placing reliance on the work completed under the Local Government (Wales) Measure 2009. The Auditor General will highlight areas where the effectiveness of these arrangements has yet to be demonstrated or where improvements could be made when he publishes his Annual Improvement Report.

I issued a certificate confirming that the audit of the accounts has been completed on 30 September 2016

My work to date on certification of grant claims and returns has not identified significant issues that would impact on the 2016-17 accounts or key financial systems.

A more detailed report on my grant certification work will follow in 2017 once this year's programme of certification work is complete.

The financial audit fee for 2015-16 is currently expected to be higher than the agreed fee set out in the 2016 Audit Plan due to the additional work that had to be undertaken to verify balances in the Statement of Accounts. The additional fee will be discussed and agreed with the Head of Finance.

Yours sincerely

Derwyn Owen
Engagement Director

For and on behalf of the Auditor General for Wales

Appendix 3

National report recommendations 2016-17

Exhibit 2: national report recommendations 2016-17

Date of report	Title of review	Recommendation
August 2016	Financial Resilience of Local Authorities in Wales 2015-16	<p>In our report of 2014-15 (The Financial Resilience of Councils in Wales, April 2015) we made a number of recommendations for local authorities. Many of these recommendations remained relevant and required further work from authorities to address them during 2016-17. In addition, we also made the following recommendations based on our more recent review:</p> <p>R1 Local authorities should strengthen their financial-planning arrangements by:</p> <ul style="list-style-type: none"> • developing more explicit links between the Medium Term Financial Plan (MTFP) and its corporate priorities and service plans; • aligning other key strategies such as workforce and asset management plans with the MTFP; • developing comprehensive multi-year fully costed savings plans which underpin and cover the period of the MTFP, not just the forthcoming annual budget; • categorising savings proposals so that the shift from traditional-type savings to transformational savings can be monitored over the period of the MTFP; and • ensuring timescales for the delivery of specific savings proposals are realistic and accountability for delivery is properly assigned. <p>R2 Local authorities should develop corporate income generation and charging policies.</p> <p>R3 Local authorities should ensure that they have a comprehensive reserves strategy, which outlines the specific purpose of accumulated useable reserves and the impact and use of these in the MTFP.</p> <p>R4 Local authorities should develop key performance indicators to monitor the MTFP.</p> <p>R5 Local authorities should ensure that savings plans are sufficiently detailed to ensure that members are clear as to what the plans are intended to deliver and that the delivery of those plans can be scrutinised appropriately throughout the year.</p> <p>R6 Local authorities should ensure that corporate capacity and capability are at a level that can effectively support the delivery of savings plans in the MTFP at the pace required.</p>

Date of report	Title of review	Recommendation
October 2016	Community Safety in Wales	<p>The seven recommendations within this report required individual and collective action from a range of stakeholders – the Welsh Government, Home Office Wales Team, police and crime commissioners, public service board members and local authorities:</p> <p>R1 Improve strategic planning to better co-ordinate activity for community safety by replacing the existing planning framework with a national strategy supported by regional and local plans that are focused on delivering the agreed national community-safety priorities.</p> <p>R2 Improve strategic partnership working by formally creating effective community-safety boards that replace existing community-safety structures that formalise and draw together the work of the Welsh Government, police forces, local authorities, health boards, fire and rescue authorities, WACSO and other key stakeholders.</p> <p>R3 Improve planning through the creation of comprehensive action plans that cover the work of all partners and clearly identify the regional and local contribution in meeting the national priorities for community safety.</p> <p>R4 Review current grant-funding arrangements and move to pooled budgets with longer-term funding commitments to support delivery bodies to improve project and workforce planning that focuses on delivering the priorities of the national community-safety strategy.</p> <p>R5 Ensure effective management of performance of community safety by:</p> <ul style="list-style-type: none"> • setting appropriate measures at each level to enable members, officers and the public to judge progress in delivering actions for community-safety services; • ensuring performance information covers the work of all relevant agencies; and • establishing measures to judge inputs, outputs and impact to be able to understand the effect of investment decisions and support oversight and scrutiny. <p>R6 Revise the systems for managing community-safety risks and introduce monitoring and review arrangements that focus on assuring the public that money spent on community safety is resulting in better outcomes for people in Wales.</p> <p>R7 Improve engagement and communication with citizens through public service boards in:</p> <ul style="list-style-type: none"> • developing plans and priorities for community safety; • agreeing priorities for action; and • reporting performance and evaluating impact.

Date of report	Title of review	Recommendation
November 2016	<u>Charging for Services and Generating Income by Local Authorities</u>	<p>This report made eight recommendations, of which six required action from local authorities. Recommendations R4 and R6 required action from the Welsh Government and Welsh Local Government Association:</p> <p>R1 Develop strategic frameworks for introducing and reviewing charges, linking them firmly with the MTFP and the Corporate Plan.</p> <p>R2 Review the unit and total costs of providing discretionary services to clearly identify any deficits and, where needed, set targets to improve the current operating position.</p> <p>R3 Use the impact assessment checklist whenever changes to charges are considered.</p> <p>R5 Identify opportunities to procure private sector companies to collect charges to improve efficiency and economy in collecting income.</p> <p>R7 Improve management of performance, governance and accountability by:</p> <ul style="list-style-type: none"> • regularly reporting any changes to charges to scrutiny committee(s); • improving monitoring to better understand the impact of changes to fees and charges on demand, and the achievement of objectives; • benchmarking and comparing performance with others more rigorously; and • providing elected members with more comprehensive information to facilitate robust decision making. <p>R8 Improve the forecasting of income from charges through the use of scenario planning and sensitivity analysis.</p>
January 2017	<u>Local Authority Funding of Third Sector Services</u>	<p>This report made three recommendations, of which two required action from local authorities. Recommendation R3 required action from the Welsh Government:</p> <p>R1 To get the best from funding decisions, local authorities and third-sector bodies need to ensure they have the right arrangements and systems in place to support their work with the third sector. To assist local authorities and third-sector bodies in developing their working practices, we recommend that local-authority and third-sector officers use the <u>Checklist for local authorities effectively engaging and working with the third sector</u> to:</p> <ul style="list-style-type: none"> • self-evaluate current third-sector engagement, management, performance and practice; • identify where improvements in joint working are required; and • jointly draft and implement an action plan to address the gaps and weaknesses identified through the self-evaluation. <p>R2 Poor performance management arrangements are weakening accountability and limiting effective scrutiny of third-sector activity and performance. To strengthen oversight of the third sector, we recommend that elected members scrutinise the review checklist completed by officers, and regularly challenge performance by officers and the local authority in addressing gaps and weaknesses.</p>

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Auditor General for Wales

Good Governance when Determining Significant Service Changes – **Bridgend County Borough Council**

Audit year: 2016-17

Date issued: May 2017

Document reference: 292A2017

This document has been prepared as part of work performed in accordance with statutory functions.

In the event of receiving a request for information to which this document may be relevant, attention is drawn to the Code of Practice issued under section 45 of the Freedom of Information Act 2000.

The section 45 code sets out the practice in the handling of requests that is expected of public authorities, including consultation with relevant third parties. In relation to this document, the Auditor General for Wales and the Wales Audit Office are relevant third parties. Any enquiries regarding

disclosure or re-use of this document should be sent to the Wales Audit Office at

info.officer@audit.wales.

The team who delivered the work comprised Catryn Holzinger, Alison Lewis, Ron Price, Steve Barry and Non Jenkins under the direction of Jane Holownia

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Summary report

Summary

- 1 'Governance is about how public bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and cultures and values, by which public bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities'¹.
- 2 Good governance is essential for the effective stewardship of public money and the continued delivery of efficient and trusted public services. The current financial climate and reduced settlements for local government as well as rising demand for some services mean that all councils are likely to continue to need to make decisions regarding the future configuration and level of service delivery. It is appropriate that public bodies continuously seek to improve. Small, incremental changes to service delivery are made at a managerial and operational level as part of normal, operational decision-making. However, good governance supported by effective planning and rigorous processes is critical when determining significant service changes. Such decisions are often controversial, generate considerable local interest and can have significant impacts on the individuals and groups affected.
- 3 From April 2016, councils are required to comply with the Well-being of Future Generations (Wales) Act and associated Statutory Guidance. The Statutory Guidance states that: 'Together, the seven well-being goals and five ways of working provided by the Act are designed to support and deliver a public service that meets the needs of the present without compromising the ability of future generations to meet their own needs'². This legislation emphasises the importance of effective governance in achieving well-being goals.
- 4 The focus of this review is on the effectiveness of Bridgend County Borough Council's (the Council) governance arrangements for determining significant service changes. We define this as any significant change in delivering services and/or any significant change in how services are experienced by external service users. This could include, for example, significant changes to the way the service is delivered, the level of service provided, the availability of the service or the cost of the service.
- 5 Taking the Chartered Institute of Public Finance and Accountancy's (CIPFA) revised framework for 'Delivering good governance in local government' as an appropriate standard, this review provides the Council with a baseline, from which to plan further improvement. In this assessment, undertaken during the period

¹ **CIPFA/SOLACE Delivering Good Governance in Local Government: Framework 2007**

² **Shared Purpose: Shared Future, Statutory guidance on the Well-being of Future Generations (Wales) Act 2015, Welsh Government**

September to November 2016, to inform our assessment of the Council's overall arrangement for developing and determining service changes we looked at aspects of decision-making arrangements in relation to a range of significant service change proposals. The examples of service changes we looked at included:

- Learner travel
- 'Extracare' housing
- Meals at home
- Waste services provision
- Nursery provision
- Public conveniences
- Supported bus services
- Grounds maintenance
- Bereavement services

6 We did not look in detail at each of the individual service change decisions, but rather used them as examples to draw from and inform how the Council goes about making decisions in relation to service changes.

7 In this review, we concluded that **the Council has clear priorities that shape its decisions on significant service change and it seeks to learn and improve its arrangements but there is scope to improve the accessibility of some information.**

Proposals for improvement

Exhibit 1: proposals for improvement

The table below sets out our proposals for improvement:

Proposals for improvement	
P1	The Council should improve the availability and accessibility of information relating to decision-making on significant service change, including, for example, publishing a Forward Work Programme(s) that covers Cabinet and Council business.
P2	The Council should resolve how it will how it will embed the sustainable development principle into decision-making
P3	The Council should clearly set out how the impact of service changes will be monitored at the point of decision.

Detailed report

The Council has clear priorities that shape its decisions on significant service change and it seeks to learn and improve its arrangements, but there is scope to improve the accessibility of some information

The Council has identified three corporate priorities that clearly inform its decisions on significant service changes

- 8 The Council has set out three priorities within its Corporate Plan 2016-2020:
- Supporting a successful economy;
 - Helping people to become more self-reliant; and
 - Smarter use of resources.
- 9 These priorities provide the Council with a defined focus for activity and Cabinet members and senior officers are able to articulate how they are shaping decisions on service change. There is alignment between the Corporate Plan and Medium Term Financial Plan and, as part of the budget-setting process, savings proposals are mapped against the three priorities to help ensure they are guiding decision-making.
- 10 The Council has begun to consider the implications of the Well-being of Future Generations (Wales) Act 2015 and on 1 March 2017 reviewed its corporate priorities in the context of the Act.. However, it is not yet clear how it will embed the sustainable development principle into decision-making.

The Council benefits from generally clear governance and accountability arrangements and positive working relationships between officers and members

- 11 Our Corporate Assessment, reported in January 2016, concluded that 'appropriate governance arrangements are in place to drive change', and that 'roles and responsibilities are clear and effective arrangements are in place for holding people to account'. The Council's Constitution sets out responsibilities for its functions and its separate Scheme of Delegation of Functions sets out responsibilities in detail. However, the Scheme of Delegation is not accessible on the Council's website (see paragraph 22) and the Council recognises its website has scope for improvement. Members and officers describe good working relationships. This is particularly the case with Cabinet members and senior managers who meet regularly and state that they work together closely.

- 12 The Council's Cabinet also values the role of scrutiny. Scrutiny members undertake pre-decision scrutiny, including through the scrutiny Budget Research and Evaluation Panel (BREP). The BREP has developed over recent years into a 'standing working group to enable members to engage in more meaningful discussion on budget proposals' and the wider change programme³. It now meets at several points throughout the budget-setting process. Minutes of this meeting are not publicly available but recommendations are reported formally to Corporate Resources and Improvement Overview and Scrutiny committee and then to Cabinet.
- 13 BREP membership is drawn from each of the Council's scrutiny committees. The Council reviewed the effectiveness of BREP in 2015-16 and identified the need for a closer relationship with Cabinet. The Cabinet Member for Resources now attends all BREP meetings. While the intention of this arrangement may be to increase the likelihood of recommendations being accepted, the presence of a Cabinet member has the potential to blur accountability for decision-making between Cabinet and scrutiny members. The Council will need to assure itself that there is sufficient transparency in this arrangement and that accountability for decisions remains clear, particularly as the minutes of BREP meetings are not published.
- 14 Reports to Cabinet, Council and scrutiny committees are checked by the relevant officers before being considered by members. This ensures that legal, financial, equalities and other considerations are taken into account in decision-making. Cabinet reports also include a section on 'effect upon policy framework and procedure rules'. The Council is trialling an electronic report sign-off process that will also show a record of officer comments.

The Council typically considers a range of options for significant service changes that are supported by clear information, but they are not generally accompanied by a formal options appraisal

- 15 The Council generally considers a range of options when making service changes. A project management approach has been used for some larger projects, and in these cases service change objectives and options are set out explicitly. While the Council's project management approach was not widely used for the examples of service changes that we looked at, the Council's decision reports tend to set out a range of options and it is possible to identify the key drivers of, and objectives for, service change within them. However, this means it is not always possible to see a clear set of criteria and a detailed options appraisal process.

³ **Standing Budget Research and Evaluation Panel Proposed Terms of Reference 2015-16, Bridgend County Borough Council**

- 16 Options for service change are accompanied by financial information. For some service change proposals information on consultation and Equality Impact Assessments (EIAs) are included with Cabinet reports.
- 17 However, one of the examples we looked at related to an increase in fees and charges and it did not appear to be accompanied by multiple options or sufficient information to aid decision-making. Specifically, we noted that some increases in fees and charges were included in the Council's budget even though the precise amount they would rise by had not been determined.
- 18 Scrutiny members play an active role in the development of service change proposals. During our fieldwork officers and members referred to regular meetings between senior officers and scrutiny chairs. This supports forward work planning and pre-decision scrutiny of service changes. The BREP also provides scrutiny members with an opportunity to comment on the viability of service change proposals and to challenge directors and Cabinet members on the deliverability of savings, notwithstanding the potential blurring of accountability referred to in paragraph 13. Scrutiny members also challenge the information accompanying service change proposals. For example, scrutiny members felt that there had not been enough consultation with service users on proposed changes to learner travel, and Cabinet responded to this concern by requesting that officers carry out further work.

The Council has generally effective consultation arrangements when considering significant service changes and it continues to develop them, though the accessibility of information could be improved

- 19 The Council has generally effective arrangements in place to consult stakeholders on service changes. Larger and more complex consultations must be approved by the Council's consultation team. The consultation team provide advice on consultation, but also seek to ensure that equalities and Welsh language considerations have been taken into account. The Council has also placed emphasis on building capacity and knowledge of consultation practice across the organisation. The consultation team has therefore developed a consultation toolkit and runs roadshows for managers to advise them on the level and nature of consultation they should undertake.
- 20 The Council undertook an extensive consultation on changes to waste service provision. It ran the consultation over eight weeks and received a total of 2,795 responses, the highest response rate they have ever received for any consultation exercise. The Council sought to ensure widespread engagement by working with stakeholders, such as the Local Service Board, Bridgend Equality Forum, Bridgend Business Forum and Bridgend First. It also utilised a variety of engagement methods, including an online survey, social media, paper surveys, emails and

telephone responses. The Council's Waste Services Equality Impact Assessment made reference to the Council's intention to use as 'wide a range of consultation, engagement activities and tools as possible' to ensure broad representation⁴. With this in mind, the Council produced a plain language consultation document in English and Welsh and worked with the Bridgend Equality Forum to run a session to support people with additional needs to complete the survey. They also encouraged Bridgend Equality Forum member organisations to take part. Therefore, the Council has undertaken substantial work to seek the views of the public on this issue and adapted its proposals and introduced mitigations in response to data and feedback.

- 21 The Council is able to demonstrate that consultation findings have influenced other decisions on service change. For example, its proposed changes to nursery provision were dropped and its proposed reduction to subsidised bus routes was reduced from £229,000 to £15,000 as a result of consultation.
- 22 The Council's consultation webpages provide details of open and closed consultations. Other information on service change, such as recent committee minutes and reports is accessible on the website. The Council is also seeking to use social media to increase participation in consultations, such as the budget and waste consultations.
- 23 However, the Cabinet Forward Work Programme is not available on the website. This is a departure from the requirements set out in the Council's own constitution, which states that a Cabinet Forward Work Programme will be published at least 14 days before the start of the period covered (a period being four months, except when elections occur). Some key documents such as the Council's Scheme of Delegation and Scrutiny Forward Work Programmes are also not easily accessible on the website as standalone documents. The Scrutiny Forward Work Programmes also contain minimal information and do not cover the content or purpose of items. The Council's website includes a search function for officer and member decisions but at the time of our review this did not appear to operate properly. There are no links to archived scrutiny committee reports, agendas and minutes pre-2014. Taken together, these issues limit the transparency of arrangements and the ability of stakeholders to access information about past and forthcoming decisions.
- 24 The Council is working to improve the accessibility of some of this information. It has informed us that it is developing new scrutiny committee webpages that will include details of how the scrutiny process operates, a scrutiny topic request form and more easily accessible scrutiny forward work programmes. The Council has also begun to webcast some scrutiny meetings covering topics of public interest. This should mean scrutiny of major service changes are more likely to be webcast in future.

⁴ Full Equality Impact Assessment, Changes to Residual Waste Service Provision March 2016, Bridgend County Borough Council

The Council monitors financial savings and the impact of some significant services changes, though this could be strengthened by clearly setting out how impact will be monitored at the point of decision

- 25 The Council regularly monitors progress in delivering financial savings arising from service changes. This happens in a number of fora including Cabinet, Corporate Management Board, Scrutiny Committees and Corporate Performance Assessment (CPA). For service change projects that are managed through the Council's structured project management process, risks, issues and progress against milestones are reported in highlight reports to the Council's Programme Management Board (PMB)⁵. There are examples of scrutiny committees monitoring the impact of service changes, such as the Awen Cultural Trust.
- 26 While the Council monitors financial savings and service performance, its arrangements for reviewing the impact of specific service changes could be more systematic. Some of the Council's Equality Impact Assessments do include reference to how mitigations will be monitored. However, decision reports do not routinely set out how, when and by whom the impact of service change will be monitored. The Council's revised business case template includes a section on benefits/dis-benefits of proposals, although does not explicitly ask for monitoring arrangements to be described. There is therefore an opportunity for the Council to build on the specific examples given above by setting out arrangements at the point of decision. This would ensure there is clarity on how and when service changes will be monitored, and that it happens consistently.
- 27 We identified some examples where the Council has put transition arrangements in place as part of the process of managing service change. For example, an Extracare open day was held for service users, their families and staff. Additional information was provided and a 'grace period' introduced as part of changes to waste services provision.
- 28 The Council is taking steps to improve its approach to Equality Impact Assessments and reports having trained over 100 of its managers on the process during 2016. Cabinet and Committee report templates include a section on Equality Impact Assessments but there are further opportunities to ensure key issues and any mitigating actions are included in that section of the main report, in addition to the separate Equality Impact Assessment document.

⁵ The Programme Management Board aims to provide corporate leadership that supports change throughout the Council. It is attended by all members of Corporate Management Team, representatives from the Corporate Transformation Team and relevant senior responsible officers and managers as required.

The Council is learning from its experience to improve its arrangements for determining and delivering service changes

- 29 The Council reviews and seeks to improve its governance arrangements for determining and delivering service changes. As previously described, the Council has reviewed the BREP and made changes to how often it meets and who attends with a view to increasing its effectiveness. The Council has also revised its project management toolkit for 2016 and we have been informed that there is an intention to use the approach more consistently for service change projects.
- 30 The Council's consultation team informed us that they undertake an evaluation of all of the consultations they deliver or are directly involved with. Notably, they reviewed and adapted the approach to the budget consultation and increased the number of responses from 400 in 2013 to 1,800 in 2015. The Council recently received a legal challenge over proposed changes to learner transport and has responded by reviewing the process it went through. It has since recommended the process to ensure it is fulfilling statutory requirements.

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BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO COUNCIL
31 JANUARY 2018
REPORT OF THE INTERIM HEAD OF FINANCE

COUNCIL TAX REDUCTION SCHEME

1. Purpose of Report

- 1.1 The purpose of the report is to provide Council with information regarding the implementation of the 2018-19 Council Tax Reduction Scheme (CTR), the requirement to adopt a CTR scheme by 31 January 2018, together with the funding implications.

2. Connection to Corporate Plan / Other Corporate Priorities

- 2.1 The Housing Benefits Service, which administers CTR, is a statutory service which supports our disadvantaged citizens.

3. Background

- 3.1 CTR provides assistance for those on low incomes with a liability to pay Council Tax.
- 3.2 The Welfare Reform Bill published in February 2011 detailed the Government's intention to localise the allocation and administration of Council Tax Benefit (CTB) from 2013-14.
- 3.3 The Government devolved to Welsh Government the establishment of localised schemes in Wales, and stated the intention to reduce expenditure on CTB by the equivalent of 10%.
- 3.4 The Welsh Government decided to develop a single nationally defined scheme set out in regulations for the provision of Council Tax support in Wales. The scheme also provided for a small number of discretionary elements which individual councils can choose to adopt; any additional associated costs were to be locally funded.
- 3.5 On 11 January 2017, the Council adopted the Council Tax Reduction Scheme for 2017-18 in accordance with The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013. This scheme will end on 31 March 2018.
- 3.6 From the latest data, there are currently 13,892 households receiving CTR; 8,517 of these are of working age and 5,375 are of pensionable age. Out of the 13,892 households receiving CTR, 10,615 are entitled to a full CTR reduction.

4. Current Situation

4.1 **The Council Tax Reduction Scheme 2018-19**

4.2 The CTR Scheme in Wales is set by regulations made under Schedule 1B of the Local Government Finance Act 1992 (as inserted by the Local Government Finance Act 2012).

4.3 On 27 November 2013, the Assembly laid regulations that implemented the arrangements to support those who will pay council tax. The regulations (Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 and Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013) prescribe the main features of the scheme to be adopted by all councils in Wales. Minor amendments to these regulations were made in 2014, 2015, 2016 and 2017.

4.4 The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2018 have now been laid. These regulations uprate the financial figures used in the CTR schemes and makes amendments to:

- Mirror changes made to the benefit system with respect to Employment Support Allowance.
- Make changes to reflect new service provision arrangements following the Regulation and Inspection of Social Care (Wales) Act 2016.
- Make changes to address an anomaly within the wording of the amending provisions included within the Council Tax Reduction Scheme (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2017 with respect to changes of circumstances provisions.
- Make a number of changes with respect to payments which are disregarded for the purposes of calculating 'income' and/or 'capital'. These include the new bereavement support payments among others.

4.5 The new regulations do not contain any significant changes from the claimants' perspective to the current scheme, and the maximum level of support that eligible claimants can receive remains at 100%. The regulations can be found at:

<http://senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=20675>

4.6 Within the Prescribed Requirements Regulations, there is limited discretion given to the Council to apply discretionary elements that are more generous than the national scheme. These are:

- The ability to increase the standard extended reduction period of 4 weeks given to persons after they return to work where they have previously been receiving CTR that is to end as a result of their return to work;

- Discretion to increase the amount of War Disablement Pensions and War Widows Pensions which is to be disregarded when calculating income of the claimant; and
 - The ability to backdate the application of CTR with regard to late claims prior to the new standard period of three months before the claim.
- 4.7 It is required by the Prescribed Requirements Regulations that the Council adopts a CTR Scheme by 31 January 2018, regardless of whether it applies any of the discretionary elements. If the Council fails to make a scheme, then a default scheme shall apply under the provisions of the Default Scheme Regulations. The Council can only apply discretion if it makes its own scheme under the Prescribed Requirements Regulations.
- 4.8 **Consultation**
- 4.9 The 2015 amendment regulations removed the requirement for local authorities to publish a draft scheme and consult interested persons where a billing authority revises a scheme in consequence of amendments made to the Prescribed Requirement Regulations. The effect of the amendment was to remove the requirement for local authorities to consult in relation to changes made by Welsh Ministers (as opposed to the discretionary areas of the scheme), over which local authorities have no discretion.
- 4.10 Consultation on the Prescribed Requirement Regulations was undertaken in 2016 and the results detailed in the Report of the Head of Finance's Council Tax Reduction report to Council on 11 January 2017. This report can be found at <https://democratic.bridgend.gov.uk/ieListDocuments.aspx?CId=142&MIId=2697&Ver=4&LLL=0>. As it is proposed not to change the discretionary elements, a further consultation exercise has not been completed.
- 4.11 It is proposed that the discretionary elements remain as follows:
- The extended payment period is maintained at the minimum standard of 4 weeks.
 - War Disablement Pensions and War Widows Pensions are fully disregarded when calculating entitlement to CTR. The estimated cost of this proposal is £15,300.
 - Backdating is maintained at the minimum standard of 3 months.
- 4.12 The total estimated cost to the Council for these proposals is £15,300 for 2018-19.
- 4.13 **Main Issues**

- 4.14 The Council must consider whether to replace or revise its CTR scheme and is obliged to make a scheme under the requirements of the Prescribed Requirements Regulations. The obligation is a statutory duty and applies even if the Council chose not to apply any of the discretions available to it.
- 4.15 The Council's recommended approach to the available discretions is to apply the recommendations in Table 4, paragraph 4.23. It should be noted that there are no additional monies available from the Welsh Government to fund the discretionary elements.
- 4.16 The scheme must be administered by local authorities within a fixed budget. There are significant difficulties adequately funding a service which is demand led with a fixed cost budget provision. The Welsh Government has confirmed there will be no additional funding to bridge any gap and each authority will be expected to meet any shortfall.
- 4.17 The Council continues to have powers to support hardship on an individual basis or in respect of a defined group. Such arrangements cannot, however, form part of the CTR Scheme itself.
- 4.18 **Adoption of the Council Tax Reduction Scheme**
- 4.19 The Council is required to adopt a scheme by 31 January 2018 under The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, regardless of whether it chooses to apply any of the discretionary elements. If the Council fails to make a scheme, then a default scheme will apply under the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2013.
- 4.20 It is recommended that the Council adopts:
- a Scheme under The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, which includes all the elements that must be included in the scheme, as set out in the Regulations; and with regard to the discretionary elements, includes the recommendations in Table 4 set out at Paragraph 4.23 below; and
 - The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014; and
 - The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2015; and
 - The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2016.
 - The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2017.
 - The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2018.

4.21 Part 5 of The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (Other matters that must be included in an Authority's Scheme) identifies which elements of the prescribed requirements of a scheme are minimum only requirements and in respect of which local authorities have an element of discretion.

4.22 The recommendation in relation to the available discretionary elements is contained in Table 4 below: and takes into account the following:

- The consultation responses received in 2016, in particular those relating to the discretionary elements,
- The current local scheme in relation to the treatment of War Disablement Pensions, War Widows Pensions and War Widowers Pensions for Housing Benefit and 2017-18 CTR scheme, which disregards these payments in full,
- The fixed funding available.

4.23 Table 4 – Discretionary elements

Part 5 – Other matters that must be included in an authority's scheme	Prescribed Requirement Regulations (Minimum Requirements)	Recommended Details to be Adopted with regard to discretionary elements
Ability to increase the standard extended reduction period of 4 weeks given to applicants where they have previously been receiving a council tax reduction that is to end, as they have ceased receiving qualifying benefits as a result of returning to work, increasing their hours of work, or receiving increased earnings. Regulation 32 (3) and Regulation 33 (3), paragraph (33) Schedule 1 and paragraph (35) and (40) Schedule 6.	4 weeks	<p>Pensioners: The 4 weeks period specified in paragraph (33) Schedule 1 will apply, and</p> <p>Non-pensioners: The 4 weeks period specified in paragraph (35) and (40) Schedule 6 will apply.</p>
Ability to backdate applications of CTR for the minimum requirements specified in the Regulations will apply periods longer than the standard period of 3 months before the claim is made. Regulation 34 (4) and Paragraph (3) and (4) of Schedule 13.	3 months	<p>Pensioners: The period of 3 months specified in paragraph (3) Schedule 13 will apply, and</p> <p>Non-pensioners: The period of 3 months specified in paragraph 4, Schedule 13 will apply.</p>

Part 5 – Other matters that must be included in an authority’s scheme	Prescribed Requirement Regulations (Minimum Requirements)	Recommended Details to be Adopted with regard to discretionary elements
Ability to disregard more than the statutory weekly £10 of income received in respect of War Disablement Pensions and War Widows Pensions and War Widowers Pensions (disregarded when calculating income of the applicant); Regulation 34 (5), Paragraphs 1(a) and 1(b) Schedule 4 and Paragraphs 20(a) and 20(b) of Schedule 9	£10	<p>Pensioners: The total value of any pension specified in paragraph 1(a) and 1(b) Schedule 4 will be disregarded.</p> <p>Non-pensioners: The total value of any pension specified in paragraph 20(a) and 20(b) Schedule 9 will be disregarded.</p>

5. Effect upon Policy Framework and Procedure Rules

5.1 None.

6. Equality Impact Assessment

6.1 An Equality Impact Assessment was completed for the 2013-14 CTR scheme and as the proposed scheme for 2018-19 does not contain any significant changes, a further Equality Impact Assessment has not been conducted.

6.2 The Welsh Government has undertaken a detailed regulatory impact assessment, which includes an equality impact assessment; the findings reported were in line with their expectations.

6.3 The Council has undertaken a consultation exercise and this consultation assists the Council in satisfying the public sector equality duty in the Equality Act 2010.

7. Financial Implications

7.1 The 2018-19 Final Local Government Settlement shows that the sum provided for CTR across Wales is at the same level as 2017-18. Bridgend’s 2018-19 final settlement from Welsh Government includes £12.907 million to fund the CTR scheme, a reduction of £19,000 from £12.926 million in 2017-18; this amount does not take into account any increase in council tax charges but is distributed based on expenditure on council tax reduction schemes in previous years.

7.2 Any shortfall between the amount provided in the settlement and the amount of CTR awarded, including any discretionary elements, will fall on the Council. Based on the current caseload the estimated total cost of the scheme for 2018-19 is around £13.9 million (including the cost of the discretionary elements). Recent indications are that there has been a reduction in caseload and this is reflected in the MTFS Budget Reductions for 2018-19; however it is not certain that this will continue and it will need to be monitored closely. Additional funding of £1 million to meet the full cost of the CTR scheme was included in the base budget as part of the Medium Term Financial Strategy 2014-15 to 2017-18 (MTFS). In addition, further funding is also provided through the MTFS to meet demographic changes and changes arising as a result of the increase in council tax. This will be kept under review throughout the MTFS period.

8. Recommendation

8.1 It is recommended that Council:

- Note The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, and the 2014, 2015, 2016, 2017 and 2018 amendment regulations.
- That Council adopts the scheme, the details of which are given in paragraphs 4.18 to 4.23 of this report.

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Background Documents

Welfare Reform Act 2012

<http://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>

The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013

<http://www.legislation.gov.uk/wsi/2013/3029/contents/made>

The Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013

<http://www.legislation.gov.uk/wsi/2013/3035/contents/made>

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014

<http://www.legislation.gov.uk/wsi/2014/66/contents/made>

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2015

<http://www.legislation.gov.uk/wsi/2015/44/contents/made>

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2016

<http://www.legislation.gov.uk/wsi/2016/50/contents/made>

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2017

<http://www.legislation.gov.uk/wsi/2017/46/contents/made>

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2018

<http://senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=20675>

Welsh Government's Council Tax Support in Wales – Equality Impact Assessment

<http://gov.wales/docs/dsjlg/publications/equality/140603-council-tax-impact-en.pdf>

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

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