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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services

Deialu uniongyrchol / Direct line /: (01656)
643147/643148/643696

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 13 June 2018

Dear Councillor,

CABINET

A meeting of the Cabinet will be held in the Committee Rooms 1/2/3 - Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 19 June 2018 at 14:30.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Financial Performance 2017-18 3 - 38
4. Proposal to Incorporate the Shared Internal Audit Service (RIASS) Into a Larger Service Hosted by the Vale of Glamorgan Council to Include Two Additional Councils 39 - 44
5. Non Domestic Rates: Discretionary Relief: High Street Rates Relief Scheme 2018-19 45 - 52
6. Bridgend County Borough Council Tree Management Policy 53 - 74
7. Provision of Public Conveniences 75 - 116
8. Bridgend Market - Improvement Plan 117 - 122
9. Visit Wales Regional Tourism Engagement Fund, Porthcawl Seascape Project (Discover Porthcawl) 123 - 126
10. Provision For Pupils With Additional Learning Needs (ALN):- Establishing a Learning Resource Centre (LRC) For Pupils With Autistic Spectrum Disorder (ASD) At Pencoed Primary School - Objections Report 127 - 136

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11.	<u>Cwmfelin Primary School Capital Project</u>	137 - 146
12.	<u>Re-Allocation of the Council's Scheme of Delegation of Functions Relating to the Operational and Partnership Services Directorate</u>	147 - 150
13.	<u>Revised Contract Procedure Rules</u>	151 - 198
14.	<u>Cabinet Forward Work Programme</u>	199 - 212
15.	<u>Representation on Outside Bodies & Joint Committees</u>	213 - 222
16.	<u>Information Reports for Noting</u>	223 - 244
17.	<u>Procurement of Waste Management Services Provided at the Materials Recovery and Energy Centre (MREC) at Crymlyn Burrows, Neath Port Talbot</u>	245 - 262
18.	<u>Urgent Items</u> To consider any items of business that by reason of special circumstances the chairperson is of the opinion should be considered at the meeting as a matter of urgency in accordance with paragraph 2.4 (e) of the Cabinet Procedure Rules within the Constitution.	
19.	<u>Exclusion of the Public</u> 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.	
20.	<u>Procurement of Waste Management Services Provided at the Materials Recovery and Energy Centre (MREC) at Crymlyn Burrows, Neath Port Talbot</u>	263 - 276

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

HJ David

CE Smith

Councillors

PJ White

HM Williams

Councillors

D Patel

RE Young

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE INTERIM HEAD OF FINANCE

FINANCIAL PERFORMANCE 2017-18

1.0 Purpose of this report

1.1 The purpose of this report is to provide Cabinet with an update on the Council's financial performance for the year ended 31st March 2018.

2.0 Connections to Corporate Improvement Objectives / Other Corporate Priorities

2.1 This report assists in the achievement of the following corporate priorities:-

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
3. **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

2.2 The financial performance of the Council budget determines the extent to which the corporate improvement priorities can be delivered.

3.0 Background

3.1 On 1st March 2017, Council approved a net revenue budget of £258.093 million for 2017-18, along with a capital programme for the year of £63.854 million, which has been updated during the financial year to take into account new approvals and slippage of schemes into 2018-19. As part of the Performance Management Framework, budget projections are reviewed regularly and reported to Cabinet on a quarterly basis. The delivery of agreed budget reductions is also kept under review and reported to Cabinet as part of this process.

4.0 Current Situation / Proposal

4.1 Summary financial position at 31st March 2018

4.1.1 The Council's net revenue budget and final outturn for 2017-18 is shown in Table 1 below.

Table 1- Comparison of budget against actual outturn at 31st March 2018

Directorate/Budget Area	Original Budget 2017-18 £'000	Revised Budget 2017-18 £'000	Final Outturn 2017-18 £'000	Final Over / (Under) Spend 2017-18 £'000	Projected Over / (Under) Spend Qtr 3 2017-18 £'000
Directorate					
Education and Family Support	108,448	108,461	108,387	(74)	(166)
Social Services and Wellbeing	64,683	64,938	66,281	1,343	2,022
Communities	23,858	25,579	25,271	(308)	(12)
Operational and Partnership Services	15,249	15,388	14,259	(1,129)	(726)
Chief Executives and Finance	3,886	3,924	3,746	(178)	(171)
Total Directorate Budgets	216,124	218,290	217,944	(346)	947
Council Wide Budgets					
Capital Financing	10,184	10,184	8,672	(1,512)	(1,349)
Levies	7,020	6,952	6,967	15	30
Apprenticeship Levy	700	700	612	(88)	(88)
Council Tax Reduction Scheme	14,254	14,254	13,611	(643)	(587)
Insurance Premiums	1,559	1,559	1,161	(398)	0
Building Maintenance	900	713	299	(414)	(82)
Pension Related Costs	1,258	1,203	427	(776)	(773)
Other Council Wide Budgets	6,094	4,238	1,946	(2,292)	(2,487)
Total Council Wide Budgets	41,969	39,803	33,695	(6,108)	(5,336)
Accrued Council Tax Income			(594)	(594)	0
Appropriations to / from Earmarked Reserves			6,661	6,661	3,144
Transfer to Council Fund			387	387	0
Total	258,093	258,093	258,093	0	(1,245)

4.1.2 The overall outturn at 31st March 2018 is an under spend of £387,000 which has been transferred to the Council Fund, in line with Principle 8 of the MTFs. After including in-year draw down of reserves, Directorate budgets provided a net under spend of £346,000, after draw down from reserves of £10.7 million, and Council Wide budgets a net under spend of £6.108 million. These are offset by the requirement to provide earmarked reserves for a range of new future risks and expenditure commitments. The net position also takes into account accrued council tax income of £594,000 during the financial year.

4.1.3 The under spend on Directorate net budgets for the year is a result of a number of factors including the maximisation of grant and other income, strict vacancy management and general efficiencies. Since quarter 3 the Council has received a number of one-off grants from Welsh Government, including £420,000 for social services winter pressures, £100,000 to cover the additional costs incurred during the periods of bad weather, and £630,000 towards small scale repairs and maintenance in schools, which eased the pressure on these budgets for 2017-18 only. In addition,

Directorates drew down £10.703 million in-year from approved earmarked reserves to meet specific one-off pressures identified in previous years, including funding for transformation projects through the Change Fund, funding for capital projects, draw down of school balances, funding for demolition work and service specific one-off pressures. A detailed analysis of the more significant under and over spends is set out in section 4.3.

- 4.1.4 The under spend masks underlying budget pressures in some service budgets which were reported during the year and still persist. The main financial pressures are in the service areas of Looked After Children and Adult Social Care, where a number of historical budget reductions remain unrealised. It should be noted that these budget areas can be volatile and small changes in demand can result in relatively high costs being incurred. As patterns of provision change within Directorates, service budgets are reviewed and re-aligned accordingly.
- 4.1.5 The under spend on Council Wide budgets has slightly increased from quarter 3 as a result of lower than anticipated demand for price inflationary increases, delays in progressing minor capital works and delays in the implementation of Welsh Language Standards, following appeals. In addition, funding for a number of budget pressures was adjusted down following more accurate information. Going forward, in 2018-19 these budgets have been reduced by £2.610 million as part of MTFS budget reductions, which will reduce the capacity within these budgets to meet unexpected pressures.
- 4.1.6 There have been a number of virements and technical adjustments between budgets since those reported to Cabinet at the end of quarter 3 in January 2018. These are included in Table 2 below and the outturn position is reported following these adjustments. There have also been a small number of technical adjustments in respect of final pay and price allocations.

Table 2 – Virements and technical adjustments processed during quarter 4

Service vired from / to	Amount
Transfers of small amounts of corporately held funding to Directorates to offset the costs of the implementation of Welsh Language Standards.	£33,000
Allocation of funding to the Social Services Directorate budget, from budgets retained centrally for pay and prices, for energy uplifts in respect of the contract with HALO Leisure.	£44,000
One-off transfer of funding from uncommitted 'other Council wide budgets' to the Communities Directorate budget to meet the revised funding profile for the Cardiff Capital Region City Deal as approved by Council in March 2018.	£1,701,950
Transfer of funding to the Social Services Directorate budget from central revenue minor works budget to offset the equivalent transfer of capital funding from the Telecare capital scheme to minor works, following the revised definition of Telecare as revenue and not capital expenditure.	£30,000
Allocation of funding held centrally for feasibility works and minor works, to offset spend against schemes which were agreed at the start of the financial year.	£74,000

4.1.7 Previous reports to Cabinet identified potential in-year budget pressures in respect of energy increases for both gas and electricity, and indicated that further analysis would be undertaken to establish the impact on Directorate budgets. There does not appear to have been any noticeable increase in energy costs during the financial year, and most expenditure has been within budget. This position will continue to be monitored during 2018-19 and any increase in price will be dealt with in the same manner as other unavoidable inflationary costs and provision made from corporate budgets.

4.2 Monitoring of Budget Reduction Proposals

Budget Reductions 2016-17

4.2.1 A report was presented to Cabinet on 27th June 2017 on Financial Performance 2016-17. In the report it was highlighted that, of the £7.477 million budget reduction proposals for 2016-17, £2.385 million were not met in full, with a shortfall in the financial year of £1.845 million. The report stated that these proposals would continue to be monitored alongside current year proposals, with mitigating action to achieve them to be identified.

4.2.2 Not all proposals have been fully delivered yet, however, and where this is the case, Directorates have identified a recurrent solution. At year end there is still £683,000 outstanding and this is broken down in Table 3 below. Further detail is provided in Appendix 1 along with the mitigating action to provide a more permanent solution in future.

Table 3 – Monitoring of Budget Reductions 2016-17

Ref	Budget Reduction Proposal	Target Saving £000	Shortfall £000
ASC19	Develop a Delivery Model for the Bridgend Resource Centre	108	100
CH25	Reduction in Safeguarding LAC numbers and related reduction in costs	357	357
ASC6	Management, Admin and Training Implement measures to achieve 7% and 5% across the 2 years	76	26
ASC23	Changes in Workforce	100	100
CH22	Remodelling of Children's Respite and Residential Care	200	100
Total		841	683

Budget Reductions 2017-18

4.2.3 The budget approved for 2017-18 included budget reduction proposals totalling £5.852 million, which is broken down in Appendix 2 and summarised in Table 4 below. The current position is that £2.141 million of proposals have not been met in full, leading to a shortfall on the savings target of £1.840 million, or 31% of the overall reduction target. This position hasn't changed since quarter 3.

Table 4 – Monitoring of Budget Reductions 2017-18

	Total Budget Reductions Required	Total Budget Reductions Achieved	Shortfall
DIRECTORATE /BUDGET REDUCTION AREA	£'000	£'000	£'000
Education and Family Support	577	411	166
Schools	869	869	0
Social Services and Wellbeing	2,283	1,049	1,234
Communities	767	402	365
Operational and Partnership Services	535	535	0
Chief Executive & Finance	414	339	75
Council Wide Budgets	407	407	0
TOTAL	5,852	4,012	1,840

A comparison of the RAG position against quarter 3 in 2017-18 is provided below. To ensure consistent reporting across Directorates a clearer definition of each RAG status is now provided as a key to Appendices 1 and 2:

	2017-18 Q4		2017-18 Q3	
	£000	%	£000	%
Green	2,733	47%	2,583	44%
Amber	1,377	24%	1,527	26%
Red	1,742	30%	1,742	30%
Total	5,852	100%	5,852	100%

The overall value and percentage of proposals classed as RED has stayed the same, but there is a small shift between those classed as AMBER and those classed as GREEN, reflecting more positive progress in achievement of some budget reduction proposals.

4.2.4 The most significant budget reduction proposals that weren't achieved include:

- EFS1 and EFS2 Implementation of Learner Transport Policy and School Transport efficiencies (£60,000);
- EFS15 Delegation of Speech and Language Therapy to Schools (£75,000);
- ASC17 Managed Service Reductions Residential and Respite Care (£414,000);
- CH25 Reduction in Safeguarding Looked After Children (LAC) numbers (£260,000);
- SSW1 Impact of the Prevention and Wellbeing agenda (£668,000);
- COM18 Reductions to the budget for the Materials Recovery and Energy Centre (MREC) (£200,000);
- COM19 Introduction of Permitting Scheme for Road Works (£100,000);
- CEX3 To put Council Tax and some aspects of benefits online and to collaborate with others (£150,000).

Appendix 2 identifies the actual amount of saving against these proposals and action to be taken by the Directorate to mitigate the shortfall going forward. Those savings not met in full will continue to be monitored during 2018-19. The Social Services and Wellbeing Directorate has developed a Future Service Delivery Plan, which was presented to Corporate Overview and Scrutiny Committee in March 2018, and which outlines the Directorate's response to the financial challenge facing them, not least setting out the planned actions to be undertaken in order to make the required MTFS savings and maximise income opportunities by March 2019. This will be monitored continuously throughout 2018-19.

- 4.2.5 As outlined in the MTFS reports to Cabinet and Council, MTFS Principle 12 states that "... a MTFS Budget Reduction Contingency will be maintained" and used to mitigate shortfalls on budget reduction proposals that are not met due to factors generally outside of the control of the Directorate. This reserve was established in 2016-17, and used during that financial year, before being increased at the end of 2016-17 to provide capacity to support shortfalls on budget reduction proposals in 2017-18. Following agreement with the then S151 officer, it has been used to mitigate the shortfall on the following budget reduction proposal in this financial year.

COM 18	Reductions to the MREC budget	£200,000
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The situation will be monitored during 2018-19 to determine whether further allocations are required.

4.3 Commentary on the financial position at 31st March 2018

A summary of the financial position for each main service area is attached as Appendix 3 to this report and comments on the most significant variances are provided below.

4.3.1 Education and Family Support Directorate

The net budget for the Directorate for 2017-18 was £108.461 million and the actual outturn was £108.387 million, following draw down of £3.080 million from earmarked reserves, resulting in an under spend of £74,000. The most significant variances are:

EDUCATION & FAMILY SUPPORT DIRECTORATE	Net Budget	Final Outturn	Final Variance Over/(Under) Budget	% Variance
	£'000	£'000	£'000	
LEA Special Needs	862	743	(119)	-13.8%
Inter Authority Recoupment	(499)	(352)	147	-29.5%
Looked After Children	126	196	70	55.6%
Home to School Transport	4,774	5,201	427	8.9%
Pupil Support	388	294	(94)	-24.2%
Catering Services	718	522	(196)	-27.3%
Integrated Working	898	684	(214)	-23.8%
Youth Justice	366	275	(91)	-24.9%

Schools' Delegated Budgets

- The schools' delegated budget is reported as balanced in any one year as any under or over spend is automatically carried forward, in line with legislation, into the new financial year before being considered by the Director of Education and Family Support in line with the 'Guidance on Managing School Surplus Balances'. The year end position for 2017-18 was:
 - Net overall school balances totalled £866,000 at the start of the financial year. During 2017-18 school balances reduced by £506,000 to £360,000 at the end of the financial year, representing 0.39% of the funding available.
 - Out of a total of 59 schools there are 22 schools (17 primary, 4 secondary and 1 special) with deficit budgets and 9 schools (7 primary, 1 secondary, 1 special) with balances in excess of the statutory limits (£50,000 primary, £100,000 secondary and special schools) in line with the School Funding (Wales) Regulations 2010. These balances will be analysed by the Corporate Director - Education and Family Support, in line with the agreed 'Guidance and procedures on managing surplus school balances'.
- A summary of the position for each sector and overall is provided below. It must be noted that, had the Welsh Government not provided a last minute grant of £630,000 towards repairs and maintenance costs, the overall schools' balance would have been a negative figure, -£270,000.

	Balance brought forward	Funding Allocated in 2017-18	Total Funding Available	Actual Spend	Balance at year end
	£000	£000	£000	£000	£000
Primary	466	44,003	44,469	44,209	260
Secondary	-151	41,627	41,476	41,912	-436
Special	550	7,916	8,466	7,930	536
Total	865	93,546	94,411	94,051	360

Central Education and Family Support Budgets

LEA Special Needs

- There is an under spend of £119,000 on the LEA Special Needs budget. £89,000 of this is due to the timing of the opening of the new Moderate Learning Disabilities (MLD) Learning Resource Centres, with the balance from staff vacancy management.

Inter Authority Recoupment

- There is an over spend of £43,000 on the recoupment expenditure budget due to an increase in out of county placements from 24 at the end of 2016-17 to 28 at the end of 2017-18, in order to meet the needs of individual pupils. In addition, there is a shortfall in recoupment income of £105,000 due to a reduction in other local authority placements at Heronsbridge and Ysgol Bryn Castell from 33 in the Summer Term to 27 from December 2017.

Looked After Children

- There is an over spend of £70,000 on the education looked after children budget due primarily to redundancy costs resulting from an in-year restructure. These have been covered by under spends in Integrated Working.

Home to School Transport

- There is an over spend of £427,000 on Home to School Transport. There have been significant increases in eligible pupils for both Home to College transport and primary education of 16.5% and 18.1% respectively from 2016-2017 to 2017-2018. There are also significant additional pressures caused by increased numbers of eligible pupils with Additional Learning Needs, in particular those pupils with autism spectrum disorders. Although a learner travel policy was approved by Cabinet in September 2015 with subsequent budget reductions of £1.6 million the savings generated have not been as high as anticipated due to the need to undertake safe route assessments and deal with legal challenges. Safe route assessments, which will allow the full implementation of the new policy, have not progressed as quickly as anticipated.

Pupil Support

- The under spend on Pupil Support of £94,000 has arisen primarily due to the cessation of the volunteer driver service pending the outcome of the review of the service.

Catering Services

- The under spend of £196,000 has primarily arisen due to an increase over and above the anticipated demand for school meals compared with when the budgets were set at the start of the financial year. Estimates included the projected impact of the increased charge for Secondary meals from April 2017 and Primary meals from September 2017. Whilst the take up of primary school meals did reduce in 2017-18 the outturn was 0.5% higher than anticipated. The balance of the under spend is due to strong staff vacancy management.

Integrated Working

- There is an under spend of £214,000. Of this £178,000 is due to maximisation of grant funding and £93,000 due to vacancy management, offset by redundancy costs of £55,000 following an in-year restructure. The under spend contributed towards additional restructure costs identified above in the Looked After Children Section. These savings are not recurring.

Youth Justice

- There is an under spend of £91,000 primarily as a consequence of moving to alternative premises. This saving will contribute to future MTFS savings.

4.3.2 Social Services and Wellbeing Directorate

The net budget for the Directorate for 2017-18 was £64.938 million and the actual outturn was £66.281 million, following draw down of £1.128 million from earmarked reserves, resulting in an over spend of £1.343 million. As outlined in paragraph 4.1.3 the Directorate received additional grant funding of £420,000 from Welsh Government at the end of the financial year to support social services winter pressures. It was also successful in bidding for Supporting People grant slippage of

approximately £240,000. Without this additional grant funding the over spend would have been almost £2 million. This funding is non-recurring and will therefore be a cost pressure for the Directorate in 2018-19.

The most significant variances are:

SOCIAL SERVICES AND WELLBEING DIRECTORATE	Net Budget	Final Outturn	Final Variance Over/(Under) Budget	% Variance
	£'000	£'000	£'000	
Services to Older People (excl. OP Assessment & Care Management)	17,469	17,295	(174)	-1.0%
Adult Social Care - Assessment and Care Management	4,713	4,145	(568)	-12.1%
Learning Disabilities Residential Care	1,347	1,534	187	13.9%
Care at Home for Learning Disabilities	7,385	8,162	777	10.5%
Services to Adults with Learning Disabilities	(166)	139	305	-183.7%
Looked after Children - LAC	10,690	11,873	1,183	11.1%
Other Child & Family Services	1,173	979	(194)	-16.5%

Services to Older People

- There is an under spend of £174,000 (excluding assessment & care management) against older person services in total. The main reason for this is a higher level of income actually received from clients compared to the level estimated at the beginning of the year. It is very difficult to estimate income to be received as it depends very much on individuals' financial circumstances and can change year on year.

Adult Social Care - Assessment and Care Management

- There is an under spend of £568,000 across assessment and care management in adult social care, including £192,000 on assessment and care management for older people and £195,000 on services for people with physical disabilities, arising mainly from staff vacancies and vacancy management throughout the year. The Directorate has managed these vacancies in order to generate savings in-year.

Learning Disabilities Residential Care

- There is an over spend of £187,000 as a result of the higher complexity of needs within the learning disability residential service together with the demand for residential respite services. The cost for learning difficulties care and support can be very high with the average cost of a learning difficulty residential care placement reaching up to £1,360 per week or £71,000 per annum.

Care at Home for Adults with Learning Disabilities

- There is an over spend of £777,000 as a result of higher spend on domiciliary care and supported living schemes. Due to the complex nature of care and support within learning difficulties, the costs of packages of care for domiciliary care and other support are particularly high.

Services to Adults with Learning Disabilities

- There is an over spend of £305,000 due to MTFS budget reduction targets being applied to the budget but actual savings being unrealised to date. The Directorate has undertaken a full financial review and formulated a service delivery plan to identify alternative cost reduction opportunities.

Looked After Children (LAC)

- There is an over spend of £1.183 million on the Looked After Children budget. MTFS budget reductions have resulted in the budget being reduced by around £1 million over the last three years, including a reduction of £260,000 in 2017-18. However, compared to the outturn position in 2016-17 of a £1.4 million over spend, the current financial projection represents a significant improvement, which reflects the service's strategy to place more children into more cost effective placements.
- Whilst the average number of LAC has increased to 387 compared to 385 in 2016-17, there has been a substantial change in the type of placements, which is driving the reduction in expenditure per child.

Other Child & Family Services

- There is an under spend of £194,000 against other child and family services. This is mainly due to a year end repayment of £196,000 to Bridgend Council from the Western Bay Adoption Service, in line with the partnership agreement, where the joint service costs are apportioned to partners based on the number of adoptions placed by each authority. It is very difficult to estimate the actual contribution required each year so an adjustment is made at year end to reflect the actual requirement.

4.3.3 Communities Directorate

The net budget for the Directorate for 2017-18 was £25.579 million and the actual outturn was £25.271 million, following draw down of £5.810 million from earmarked reserves, resulting in an under spend of £308,000. The most significant variances are:

COMMUNITIES DIRECTORATE	Net Budget	Final Outturn	Final Variance Over/(Under) Budget	% Variance
	£'000	£'000	£'000	
Development	310	477	167	53.9%
Waste Disposal	4,613	4,794	181	3.9%
Waste Collection	2,732	3,062	330	12.1%
Street Lighting	1,550	1,249	(301)	-19.4%
Highways Service (DSO)	2,533	2,438	(95)	-3.8%
Network Management	128	203	75	58.6%
Fleet Services	(22)	110	132	-600.0%
Car Parking	(369)	(322)	47	-12.7%
Engineering Services	84	(175)	(259)	-308.3%
Parks & Open Spaces	2,236	1,920	(316)	-14.1%
Streetscene Support	304	229	(75)	-24.7%
Adult Education	121	78	(43)	-35.5%

COMMUNITIES DIRECTORATE	Net Budget	Final Outturn	Final Variance Over/(Under) Budget	% Variance
	£'000	£'000	£'000	
Property (Estates)	1,344	1,198	(146)	-10.8%

Development

- The over spend in Development of £167,000 is primarily due to a downturn in planning application income in Development Control (£191,000). Fee income is subject to considerable fluctuations between years, depending on number and type of applications. For example in 2016-17, the service generated a surplus of £139,000 which was used to balance the overall Communities Directorate position.

Waste Disposal

- There was a budget reduction target of £200,000 for 2017-18 in respect of the MREC. As the procurement exercise to secure a new operator for the facility is still ongoing, as outlined in paragraph 4.2.5, funding has been drawn down from the MTFB Budget Reduction Contingency to offset this proposal for this financial year. The majority of the over spend (£115,000) has occurred as a result of the long standing disposal contract with Neath Port Talbot (NPT) CBC. The Council is currently working closely with Neath Port Talbot to renegotiate the terms of this arrangement.

Waste Collection

- The over spend of £330,000 on waste collection services is due to a combination of factors. The disposal contract with Neath Port Talbot CBC is based on a fixed price, minimum tonnage. Consequently a drop in commercial waste tonnage for disposal and subsequent reduction in income (£230,000) has not generated a corresponding reduction in cost. The Council is currently working closely with Neath Port Talbot CBC to renegotiate the terms of this arrangement.

There have been higher than anticipated costs (£198,000) early in the new waste collection contract due to better than expected take up of the Council's new Absorbent Hygiene Products (AHP) collection service and better than anticipated diversion of residual waste from the Council's Community Recycling Centres resulting in a higher than expected payment to the contractor (£63,000), both of which are a welcome boost to the Council's recycling performance against the Welsh Government's statutory recycling target.

These over spends have been offset by reduced costs arising from a delay in undertaking capital works at Tondu depot (£65,000), and the consequent revenue implications of these, as well as under spends on the waste awareness budget (£43,000) and one-off income from Waste and Resources Action Programme (WRAP) of £11,000.

In summary, very successful waste reduction and increased recycling performance changes have resulted in costs that are currently not being offset by corresponding reductions in disposal costs as would normally be expected,

due to the contract for disposal at the MREC. A new contract arrangement with NPT, currently being negotiated, will hopefully resolve this position.

Street Lighting

- The under spend of £301,000 has partly arisen following the LGBI programme for the replacement of lanterns, and subsequent reduction in energy costs (£143,000). This will contribute to the MTFS saving of £110,000 in 2018-19 in respect of energy costs. The balance of the under spend relates to prudential borrowing (£16,000), in year staff vacancies within the department (£19,000) and delays in undertaking works by year end (£86,000).

Highways Services

- There is an under spend of £95,000 mainly as a result of additional resurfacing works on the A470 and M4 commissioned by the South East Wales Trunk Road Agency (SWTRA), which is responsible for managing, maintaining and improving the motorways, trunk roads and associated assets throughout the South Wales region on behalf of the Welsh Government.

Network Management

- The over spend of £75,000 is mainly due to the delay in realising the MTFS target of £100,000 relating to a review of street works management systems, as a result of the time taken to progress the business case to be submitted to Welsh Government. This is partly offset in this financial year by staff vacancies.

Fleet Services

- There is an over spend of £132,000 across the service, similar to 2016-17, due to a downturn in income arising from reduced spend by Directorates. The Directorate has sought to mitigate this during the financial year and is due to undertake a review of the fleet service.

Car Parking

- There is an over spend across the service of £47,000. This is due to the non-achievement of the 2017-18 budget reduction target of £50,000 pending a review of car park charges, including those for staff and members. The car park review has been updated and a project board has been established to take this forward.

Engineering Services

- There is an under spend across the service of £259,000 due to a combination of an under spend on staffing, due to difficulties in recruiting, and an increase in the level of fee earning jobs (balance of EU/non EU funded projects and the differing chargeable rates allowed). Issues around recruitment still need to be addressed as the work programme for 2018-19 is in excess of in-house capacity and failure to recruit will affect future capacity, resilience and works knowledge retention. It is still envisaged that the MTFS savings target of £74,000 in 2018-19 is achievable.

Parks & Open Spaces

- There is an under spend of £316,000 across the service. This is mainly due to under spends in staffing (£196,000), in particular seasonal grounds maintenance staff where it has been difficult to recruit this year. This has led to difficulties with maintaining levels of service across parks and bereavement functions. The recruitment of seasonal operatives for 2018-19 has proved

equally problematic with numbers of applicants lower than in previous years. To overcome this and to mitigate the situation experienced this year the service area will look to recruit operatives through the Council's temporary agency partner. In addition there has been an under spend of £150,000 against the provision for improvements to children's playgrounds resulting from procurement timescales and contract award procedures. These works will be completed early in 2018-19.

Streetscene Support

- There is an under spend across the service of £75,000 as a result of staffing vacancies and efficiencies on non-staffing budgets pending future MTFs budget reduction targets.

Adult Education

- There is an under spend across the service of £43,000. This is mainly due to under spends in staffing where it has been difficult to recruit this year. The service are actively recruiting into the vacant posts in 2018-19, therefore the under spend is considered to be a one-off.

Property (Estates)

- There is an under spend across the service of £146,000. This has resulted from a combination of staff vacancies in the service (£168,000) and an under spend on corporate cleaning (£72,000), which are partly offset by a shortfall against income targets of £129,000 primarily due to under-occupancy at the Innovation Centre and Bridgend Market.

4.3.4 Operational and Partnership Services Directorate

The net budget for the Directorate for 2017-18 was £15.388 million and the actual outturn was £14.259 million, following draw down of £584,000 from earmarked reserves, resulting in an under spend of £1.129 million. The most significant variances are:

OPERATIONAL AND PARTNERSHIP SERVICES DIRECTORATE	Net Budget	Final Outturn	Final Variance Over/(Under) Budget	% Variance
	£'000	£'000	£'000	
Housing Options and Homelessness	1,556	1,048	(508)	-32.6%
Legal (including Admin)	2,480	2,220	(260)	-10.5%
Member and Mayoral Services	1,857	1,554	(303)	-16.3%
HR & Organisational Development	1,646	1,555	(91)	-5.5%
Customer Services	1,284	1,078	(206)	-16.0%
ICT	3,891	4,264	373	9.6%

Housing Options and Homelessness

- The net under spend of £508,000 is a combination of reduced costs on temporary accommodation of £110,000, following the receipt of non-recurrent grant funding, and also vacancy savings of £116,000 across the service, including community safety. There is also an under spend against the Housing Prevention budget of £221,000. Funding from this budget was set aside to undertake essential works at Brynmenyn Hostel, but this has been delayed until 2018-19, so the

corresponding amount of funding has been placed into an earmarked reserve to enable the works to progress in 2018-19.

Legal Services

- The under spend on legal services is mainly due to staffing vacancies, and some under spends on non-pay budgets. The service has identified £190,000 MTFS staff savings in 2018-19.

Member and Mayoral Services

- The majority of the actual under spend (£239,000) is in respect of the Members' Community Action Fund, following the delay in implementation after the Council elections in May 2017. Any under spend will be carried forward and ring-fenced for members to use prior to the end of October 2018, as agreed in the training provided.

HR and Organisational Development

- The under spend is mainly staff related (£66,000) and relates to staff vacancies. The service has identified £43,000 of MTFS staff savings in 2018-19.

Customer Services

- The under spend is mainly staff related and is made up of vacant posts together with temporary secondments. The service has identified £116,000 of staff savings in 2018-19.

ICT

- The net over spend has arisen following a decision by Council to use revenue under spends to fund ICT capital on a one-off basis. The additional revenue contribution was £818,000 in 2017-18. Without this revenue contribution the service would have under spent by £445,000. This was mainly made up of staff related costs (£294,000) and software costs (£200,000). There were other over spends across the service to the value of £49,000. The service has identified MTFS savings of £210,000 in 2018-19.

4.3.5 Chief Executives and Finance

The net budget for the Directorate for 2017-18 was £3.924 million and the actual outturn was £3.746 million, following draw down of £101,000 from earmarked reserves, resulting in an under spend of £178,000. The most significant variances are:

CHIEF EXECUTIVES AND FINANCE	Net Budget	Final Outturn	Final Variance Over/(Under) Budget	% Variance
	£'000	£'000	£'000	
Internal Audit	313	251	(62)	-19.8%
Housing Benefits Administration	689	482	(207)	-30.0%
Taxation and Sundry Debtors	41	156	115	280.5%

Internal Audit

- The under spend mainly relates to a rebate in respect of a reduced number of audit days received in the 2017-18 financial year as a result of staff vacancies within the service. There is currently a review of the service in progress.

Housing Benefits Administration

- There is an under spend in respect of the administration of housing benefit arising mainly from staffing vacancies, but also changes in staffing hours, additional annual leave purchases and unanticipated grant income.

Taxation and Sundry Debtors

- There is a shortfall of £91,000 on income from court costs, together with an over spend on staffing arising from the delay in implementing “channel shift” in line with 2017-18 MTFS proposals.

4.3.6 Council Wide budgets

This section includes budgets, provisions and services which are Council wide, and not managed by an individual Directorate. The net budget for 2017-18 was £39.803 million and the actual outturn was £33.695 million, resulting in an under spend of £6.108 million. The most significant variances are:

COUNCIL WIDE BUDGETS	Net Budget	Final Outturn	Final Variance Over/(Under) Budget	% Variance
	£'000	£'000	£'000	
Capital Financing Costs	10,184	8,672	(1,512)	-14.8%
Council Tax Reduction Scheme	14,254	13,611	(643)	-4.5%
Building Maintenance	713	299	(414)	-58.1%
Pension Related Costs	1,203	427	(776)	-64.5%
Other Council Wide Budgets	4,238	1,946	(2,292)	-54.1%

Capital Financing

- The actual under spend of £1.512 million is a combination of an under spend on interest paid due to lower borrowing than anticipated (£1.23 million), as Council uses its own internal resources to finance schemes, and additional interest received from current investments. This budget has been subject to significant reductions in the 2018-19 MTFS. However, given the scarcity of capital resources, and the increasing pressure for capital investment, the Council may be required to increase its borrowing in future years to fund such investment, which will require revenue funding to meet the repayments.

Council Tax Reduction Scheme

- The actual under spend of £643,000 is a result of lower demand than forecast for the Council Tax Reduction Scheme. This a demand led budget which is based on full take up, but actual take up is not known until year end. There was a £300,000 budget reduction in the MTFS for 2017-18 and a further reduction of £400,000 for 2018-19.

Building Maintenance

- The under spend of £414,000 is a result of slippage on some minor works schemes and feasibility studies, which will now be completed in 2018-19. An earmarked reserve has been established to meet these costs. There were capacity issues in the Building Maintenance section during 2017-18 which will be addressed under the new Corporate Landlord model, which is being implemented from April 2018.

Pension Related Costs

- The actual under spend of £776,000 is a consequence of low demand on the budget for auto enrolment, with the September 2017 deadline for take-up having now passed, and low demand for funding in respect of other in-year pension or national insurance pressures. These under spends have contributed to the 2018-19 MTFS savings.

Other Council Wide Budgets

- The under spend of £2.292 million is due to a number of reasons. In general it is a combination of lower than anticipated requirements for funding of inflationary and other pressures, delays in implementation of certain Welsh Language Standards following appeal (£300,000) as well as under spends on the Glamorgan Records Office (£80,000), following the repayment of prudential borrowing at the end of 2016-17. It also includes an under spend on the PFI equalisation reserve (£187,000) as sufficient reserve has now been built up. These under spends have contributed to the 2018-19 MTFS savings.

These budgets have been reviewed as part of the MTFS 2018-19 to 2021-22 and are subject to total reductions of £2.6 million in 2018-19.

4.4 Capital programme outturn

4.4.1 This section of the report provides Members with an update on the Council's capital programme for 2017-18. The original budget approved by Council on 1st March 2017 has been further revised and approved by Council during the year to incorporate budgets brought forward from 2016-17 and any new schemes and grant approvals. The revised programme for 2017-18, which was approved by Council as part of the MTFS on 28th February 2018, totalled £45.462 million. Since then there have been new approvals of £565,000 and slippage of £9.195 million into 2018-19, following discussions with Directorates on scheme progress, bringing the revised programme to £36.832 million, of which £24.027 million is met from BCBC resources, including capital receipts and revenue contributions from earmarked reserves, with the remaining £12.805 million coming from external resources. On 28th March 2018 Council agreed to the re-profiling of Bridgend's contribution to the Cardiff Capital Region City Deal following a decision to draw down HM Treasury grant later in the programme. This is reflected in the revised programme for 2017-18.

4.4.2 In terms of new approvals, these are either schemes that are grant funded, such as:

Bridgend Life Centre and Heron House – funded by the Welsh Government Integrated Care Fund (£115,000);
Community Care Information System - funded from a Welsh Government grant via the NHS (£43,000).

Or they relate to schemes that were funded from revenue but have been re-categorised as capital expenditure in line with accounting requirements, such as ICT equipment (£151,000) and minor works.

4.4.3 The main schemes where slippage is required, and the reasons for the slippage, are:

Scheme	Budget 2017-18 £000	Amount of Slippage to / from (-) 2017-18 £000	Reason for Slippage
Cardiff Capital Region City Deal	0	2,285	Re-profiling of Local Authority Partnership capital funding requirement as agreed by Council on 28 th March 2018.
Garw Valley South Primary Provision	8,327	-3,728	Budget re-profiled across later years from initial budget in line with revised spend profile.
Pencoed Primary School	9,650	-4,335	Budget re-profiled across later years from initial budget in line with revised spend profile.
Extra Care Facilities	1,500	-725	Budget re-profiled across later years from initial budget in line with revised spend profile.
Town Beach Revetment	646	304	Works progressed more quickly than initial profile, so funding brought forward.

There are a number of other schemes where there is slippage and this is generally due to difficulties in knowing exactly how much spend will be incurred on a project in a financial year, particularly during the winter months. Some schemes are also delayed due to tender processes and capacity to support projects.

4.4.4 Appendix 4 provides details of the individual schemes within the capital programme, showing the budget available in 2017-18 compared to the actual spend. Commentary is provided explaining reasons for any major variations in expenditure against budget or changes to budget.

4.4.5 Total expenditure as at 31st March 2018 is £36.584 million, resulting in an under spend of £39,000 on BCBC resources. This under spend will be returned to the capital receipts fund.

4.5 Earmarked Reserves

4.5.1 The Council is required to maintain adequate financial reserves to meet the needs of the organisation. The MTFs includes the Council's Reserves and Balances Protocol which sets out how the Council will determine and review the level of its Council Fund balance and Earmarked Reserves. During 2017-18, Directorates drew down funding from specific earmarked reserves and these were reported to Cabinet through the quarterly monitoring reports. The final Directorate draw down of £10.703 million is detailed in Table 5 below.

Table 5 – Draw Down from Earmarked Reserves during 2017-18

	Draw down from Earmarked Reserves 2017-18 £'000
Education & Family Support	3,080
Social Services & Wellbeing	1,128
Communities	5,810
Operational & Partnership Services	584
Chief Executives & Finance	101
Total	10,703

4.5.2 There have been net additions to earmarked reserves of £7.619 million (£958,000 of which has been incurred against Directorate budgets) as shown in Table 6 below.

Table 6 – Movement on Earmarked Reserves to 31st March 2018

Opening Balance 01-Apr-2017 £'000	Reserve	Net Additions/ Reclass- ification £'000	Draw down £'000	Closing Balance 31-Mar-2018 £'000
	Corporate Reserves:-			
-	Education & Family Support	4,234	(2,029)	-
-	Social Services & Wellbeing	(27)	(874)	-
-	Communities	1,686	(4,860)	-
-	Operational and Partnership Services	(180)	(469)	-
-	Chief Executives & Finance	100	(34)	-
-	Non-Directorate	2,348	-	-
39,260	Total Corporate Reserve	8,161	(8,266)	39,155
	Directorate Earmarked Reserves:-			
663	Education & Family Support	145	(345)	463
1,916	Social Services & Wellbeing	(1)	(254)	1,661
1,167	Communities	1,671	(390)	2,448
246	Operational and Partnership Services	599	(40)	805
300	Chief Executives & Finance	-	(24)	276
4,292	Total Directorate Reserves	2,414	(1,053)	5,653
	Equalisation & Grant Earmarked Reserves:-			
4,179	Education & Family Support	(3,640)	(200)	339
2,364	Communities	510	(560)	2,314
153	Operational and Partnership Services	174	(75)	252
45	Chief Executives & Finance	-	(43)	2
6,741	Total Equalisation Reserves	(2,956)	(878)	2,907
866	School Balances	-	(506)	360
51,159	Total Usable Reserves	7,619	(10,703)	48,075

4.5.3 The year end review also examined:

- commitments against existing reserves and whether these were still valid;
- earmarked reserve requests from Directorates as a result of emerging issues
- and;
- emerging risks for the Council as a whole.

Table 7 below details the creation of new earmarked reserves, increases to existing earmarked reserves and amounts that have been unwound from reserves.

Table 7 – Net Appropriations to/from Earmarked Reserves during Quarter 4

	Additions/ (Unwound) Up to Qtr 3 £'000	Additions/ (Unwound) At Qtr 4 £'000	Total Additions/ (Unwound) 17-18 £'000
Corporate Reserves:-			
Asset Management	-	381	381
Building Maintenance Reserve	30	276	306
Capital Feasibility Fund	102	166	268
Capital Programme Contribution	889	5,127	6,016
Corporate Pressures Contingency	1,000	-	1,000
DDA Emergency Works	-	1	1
ICT & Finance Systems	276	(601)	(325)
Major Claims Reserve	62	(491)	(429)
Property Disposal Strategy	5	8	13
Service Reconfiguration	-	1,130	1,130
Welfare Reform	-	(200)	(200)
Total Corporate Reserves	2,364	5,797	8,161
Directorate Reserves:-			
Car Parking Strategy	(175)	-	(175)
City Deal Reserve	598	490	1,088
Directorate Issues	821	617	1,438
Donations Reserve Account	3	0	3
Human Resources	-	(10)	(10)
Looked After Children	-	(1)	(1)
Porthcawl Regeneration	80	-	80
Safe Routes to Schools	-	19	19
Schools Reserve	-	(28)	(28)
Total Directorate Reserves	1,327	1,087	2,414
Equalisation & Grant Reserves:-			
Building Control	-	7	7
Highways Reserve	52	-	52
Car Parking Enforcement	-	12	12
IFRS Grants	-	604	604
Legal Fees	-	119	119
Local Development Grant	-	17	17
Maesteg PFI Reserve	-	(3,949)	(3,949)
Special Regeneration Reserve	-	182	182
Total Equalisation & Grant Reserves	52	(3,008)	(2,956)
Total Usable Reserves	3,743	3,876	7,619

- 4.5.4 The additions include a net increase of £6.016 million to the Capital Programme Contribution Reserve which includes additional funding for Schools Band B schemes. This has been partially offset by the unravelling of the Maesteg PFI Reserve which is no longer required due to a change in the mechanism for allocating the PFI funding and the necessary accounting treatment. The City Deal Earmarked Reserve has had to be increased to reflect the additional monies needed for capital expenditure in 2018-19 following approval of the City Deal Business Plan and the re-profiled expenditure plan. The Service Reconfiguration Reserve has been increased by £1.130 million to meet the potential costs relating to service remodelling and consequential severance costs.
- 4.5.5 A full breakdown of the total movement on earmarked reserves at 31st March 2018 is provided in Appendix 5.

5.0 Effect upon Policy Framework & Procedure Rules

- 5.1 As required by section 3 (budgetary control) of the Financial Procedure Rules; Chief Officers in consultation with the appropriate Cabinet Member are expected to manage their services within the approved cash limited budget and to provide the Chief Finance Officer with such information as is required to facilitate and monitor budgetary control.

6.0 Equalities Impact Assessment

- 6.1 There are no equality implications arising from this report.

7.0 Well-being of Future Generations (Wales) Act 2015 Implications

- 7.1 The wellbeing goals identified in the Act were considered in the preparation of this report. As the report is for noting only it is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of this report.

8.0 Financial implications

- 8.1 These are reflected in the body of the report.

9.0 Recommendations

- 9.1 Cabinet is recommended to:
- note the actual revenue and capital outturn position for 2017-18;

Gill Lewis
Interim Head of Finance and Section 151 Officer
June 2018

Contact Officer: Deborah Exton
Group Manager – Financial Planning and Budget Management

Telephone: 01656 643604

Email: deborah.exton@bridgend.gov.uk

Postal Address : Raven's Court
Brewery Lane
Bridgend
CF31 4AP

Background documents: Individual Directorate Monitoring Reports
MTFS Report to Council – 28 February 2018

MONITORING OF OUTSTANDING 2016-17 BUDGET REDUCTIONS

Ref.	Budget Reduction Proposal	Original RAG 2016-17 £000	Amount of saving achieved £000	Comments
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RAG STATUS KEY

RED	Not likely to be achieved at all in this financial year or less than 25%.
AMBER	Reduction not likely to be achieved in full in financial year but greater than 25%
GREEN	Reduction likely to be achieved in full

EDUCATION & FAMILY SUPPORT

CH3	Retender Learner Transport contracts	100	100	Re-alignment of budgets within the Education and Family Support Directorate for 2017-18 (mainly from Inter Authority Recoupment budget) have mitigated the pressure from Learner Travel historic saving proposals. However, there are ongoing pressures on the Home to School Transport budget due to significant increases in eligible pupils for both Post 16 Home to College transport and primary education of 16.5% and 18.1% respectively from 2016-2017 to 2017-2018. There are also significant additional pressures caused by increased numbers of eligible pupils with Additional Learning Needs, in particular those pupils with autism spectrum disorders.
CH4	Rationalise Special Education Needs transport	150	150	
CH9	School transport route efficiencies	200	200	
RES40	Change Out of Hours Service provided by Built Environment	22	22	
Total Education and Family Support		472	472	To be delivered through the Corporate Landlord model. New structure agreed, consultation completed and model in place.

SOCIAL SERVICES & WELLBEING

Theme 1 - Remodel Service Delivery				
ASC19	Develop a Delivery Model for the Bridgend Resource Centre	108	8	Budget reduction of £100k not achieved in 2017-18. This is contributing to the current over spend within Social Services. The directorate has developed a Service Plan to address budget shortfalls in 2018-19 onward.
ASC21	Transfer Family Care Service to the Community Hubs	210	210	The shortfall was met from under spends across the service in 2016-17.
CH25	Reduction in Safeguarding LAC numbers and related reduction in costs	357	0	The early intervention and safeguarding board are working to reduce the number of looked after children and related costs. This proposal is unable to generate this level of budget savings and the directorate has developed a Service Plan to address the budget shortfalls in 2018-19 onward.
Theme 1 - Remodel Service Delivery - sub-total		675	218	
Theme 2 - Service Efficiencies				
ASC6	Management, Admin and Training Implement measures to achieve 7% and 5% across the 2 years	76	50	The shortfall was offset from under spends across the service in 2016-17. Staffing budgets are being reviewed as they become vacant and staff savings have been identified as part of the new Service Plan.
ASC23	Changes in Workforce	100	0	The shortfall was offset from under spends across the service in 2016-17. Staffing budgets are being reviewed as they become vacant and staff savings have been identified as part of the new Service Plan.
CH22	Remodelling of Children's Respite and Residential Care	200	100	Remodelling underway. £100k achieved to date. Further remodelling will hopefully result in further savings against out of county cost,s contributing to this proposal. Savings proposals have been revised in line with new Service Plan in 2018-19
Theme 2 - Service Efficiencies - sub-total		376	150	
Theme 3 - Income Generation				
ASC20	Introduce charges for supplementary holiday support in Learning Disabilities	100	100	This proposal didn't generate the level of savings identified. However, budgets have been realigned across the directorate to offset.
Theme 3 - Income Generation		100	100	
Total Social Services & Wellbeing Directorate		1,151	468	

Ref.	Budget Reduction Proposal	Original RAG 2016-17 £000	Amount of saving achieved £000	Comments
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COMMUNITIES

COM9	Review of Highways maintenance/DLO Services	417	417	Restructures complete and were in place for the start of the 2017-18 financial year.
COM21	Review of overtime across Highways/Streetscene	90	90	Restructures in COM 9 took into consideration overtime budgets. Restructures complete and were in place for the start of the 2017-18 financial year.
RES29	To rationalise the core office estate - leasing of Raven's Court	195	195	A one-off payment of prudential borrowing in 2017-18 in respect of Raven's Court to reduce future capital financing costs, has enabled the re-alignment of budgets to ensure the realisation of this MTFS saving.
Total Communities Directorate		702	702	

CHIEF EXECUTIVE

FINANCE

RES27	To put Council Tax and some aspects of benefits online and to collaborate with others	60	60	Savings made elsewhere in 16-17 (Housing Benefit Admin under-spend), and restructure in 17-18 will achieve the £60k annual saving.
Total Chief Executive		60	60	

GRAND TOTAL REDUCTIONS	2,385	1,702
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REDUCTIONS SHORTFALL	683
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MONITORING OF 2017-18 BUDGET REDUCTIONS

Ref.	Budget Reduction Proposal	Original 2017-18 £'000	Amount of saving achieved £000	Comments / Mitigating Actions in 2018-19
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RAG STATUS KEY

RED	Not likely to be achieved at all in this financial year or less than 25%.
AMBER	Reduction not likely to be achieved in full in financial year but greater than 25%
GREEN	Reduction likely to be achieved in full

EDUCATION & FAMILY SUPPORT

CENTRAL EDUCATION & FAMILY SUPPORT

EFS1	Phased implementation of Learner Transport Policy regarding statutory distances for free travel.	20	0	Under spends across wider directorate areas have offset this shortfall in 2017-18 and will have to continue into 2018-19
EFS2	School transport route efficiencies.	40	0	Under spends across wider directorate areas have offset this shortfall in 2017-18 and will have to continue into 2018-19
EFS3	Achieve full cost recovery on Catering Service, through a combination of efficiencies and price increase	79	79	None required
EFS4	Reduction in budget for Development Team	68	68	None required
EFS5	Removal of Nursery development grant to private settings - Nursery Development Grant which is currently used for Grants to the childcare sector and training to improve the quality of early years provision in Bridgend and to enable the childcare workforce to meet and fulfil their legal requirement .	30	30	None required
EFS7	To review the Built Environment Service Level Agreement with Schools to achieve full cost recovery.	31	0	Under spends from vacancy management within Built Environment have offset this shortfall in 2017-18. This MTFS proposal is the first call on savings identified from the implementation of the Corporate Landlord model.
EFS10	Transfer of management of the centre to Flying Start along with efficiency review of running costs of the building	75	75	None required
EFS13	WJEC - re-alignment of budget to reflect actual charge from WJEC.	10	10	None required
EFS15	Speech and language therapy - This is a proposal to delegate the Speech and Language Service to schools- School Based Model. Other Local Authorities such as Cardiff, Neath Port Talbot and Swansea have moved towards a school based model with the involvement of an SLA with Health which has proven to be a successful model. This proposal would negate the local authority's requirement to manage the service resulting in a release of the management structure of the service.	75	0	Vacant posts held within wider service area to cover value of saving until consultation and implementation complete.
EFS24	It is proposed to undertake a restructure to Business/Management Support to look for efficiencies.	74	74	None required
EFS25	Education Psychology - This proposal is predicated on losing the post of Lead Education Psychologist. Through Collaboration with other Local Authorities in the Consortia the role of the Lead Education Psychologist could potentially be shared. The Education Psychology part of this role will remain to ensure there is no reduction in EP capacity. The management capacity is what would be potentially lost	75	0	Alternative savings put forward by the Directorate to mitigate the removal of this saving proposal (see below)
	Alternative to EFS25: Reduction to Central Special Educational Needs Budget (£20,000), Equipment budget (£26,000) and vacant posts	0	75	None required
Total Education and Family Support		577	411	

Ref.	Budget Reduction Proposal	Original 2017-18 £'000	Amount of saving achieved £000	Comments / Mitigating Actions in 2018-19
SCHOOLS				
SCH1	Removal of Protection to Schools Budgets	869	869	Net overall school balances totalled £866,000 at the start of the financial year. During 2017-18 school balances reduced by £506,000 to £360,000 at the end of the financial year, representing 0.39% of the funding available.
	Total Schools	869	869	
	Total Education & Family Support Directorate	1,446	1,280	

SOCIAL SERVICES & WELLBEING

Theme 1 - Remodel Service Delivery				
ASC3	Link the work on the new assessment framework to the new national eligibility criteria as part of the Social Services and Wellbeing Act	150	150	None required
ASC7	Re-provision and remodelling of Shared Lives	50	50	None required
ASC9	Review Continuing Health Care (CHC)-eligible cases to secure appropriate contribution to packages of care	100	100	None required
ASC17	Managed Service Reductions Residential & Respite Care	414	200	New Service Plan identifying alternative savings has been developed for 2018-19 onward
CH25	Reduction in Safeguarding LAC numbers and related reduction in costs	260	0	New Service Plan identifying alternative savings has been developed for 2018-19 onward
COM13	Transfer of directly operated centres and review of grant support to voluntary organisations	39	20	Shortfall met from under spends in other service areas.
SSW4	New models of service delivery within AWEN cultural trust.	101	101	None required
Theme 1 - Remodel Service Delivery - sub-total		1,114	621	
Theme 2 - Service Efficiencies				
ASC12	Continued efficiencies within LD Day Services	120	120	None required
HL2	Review Healthy Living Partnership Contract	308	308	None required
Theme 2 - Service Efficiencies - sub-total		428	428	
Theme 3 - Income Generation				
ASC10	Develop income stream for specialist Mental Health placements at Glyn Cynffig	73	0	New Service Plan identifying alternative savings has been developed for 2018-19 onward
Theme 3 - Income Generation sub-total		73	0	
Theme 4 - Prevention and Wellbeing				
SSW1	Impact of the Prevention and Wellbeing agenda	668	0	New Service Plan identifying alternative savings has been developed for 2018-19 onward
Theme 4 - Prevention and Wellbeing sub-total		668	0	
Total Social Services & Wellbeing Directorate		2,283	1,049	

COMMUNITIES

COM5	Reduction to Winter Maintenance Budget	60	60	None required
COM7	Technical Surveys - Reduction in budget to cover only costs of SCRIM/SCANNER and a number of other required inspections	5	5	None required
COM8	Reduction in road marking maintenance	10	10	None required
COM9	Removal of Security budget Waterton	20	20	None required
COM12	Broad review of car park charging including staff and elected member parking passes	50	0	Under spends across wider directorate areas have offset this shortfall in 2017-18 and will have to continue into 2018-19
COM14	Reduction in Adult Community Learning provision	70	70	None required

Ref.	Budget Reduction Proposal	Original 2017-18 £'000	Amount of saving achieved £000	Comments / Mitigating Actions in 2018-19
COM16	A substantial cut of 25% was made to the service in 2015/16 on top of savings in previous years, limiting the scope for further reductions. 2017/18 - £21k – A reduction in the BCBC tourism marketing budget, and reducing the mobile TIC budget, for the financial year 2017/2018. 2018/19 -£40k cut in commissioning budget to support 3rd Sector with Community Asset Transfer. This is part of the Strategic Regeneration Fund. 2019/20 -£20k reduction in the Events budget in 2019/20. It is not possible to reduce the budget prior to this due to existing commitments (Urdd, Women's Open, Senior Open, Town Centre Events programme). This is a part of the SRF match-funding budget.	21	21	None required
COM17	Reduction to core budget for Civil Parking Enforcement Team.	50	50	None required
COM18	Reductions to the budget for the Materials Recovery and Energy Centre (MREC) Introduction in 17/18 of savings achieved through the current procurement being undertaken with Neath Port Talbot CBC for the provision of new operator arrangements for the MREC facility at Crumllyn Burrows.	200	0	BCBC officers meeting regularly with NPT and putting resources into the finalisation of the joint agreement document for the new contract.
COM19	Permitting Scheme road works net of existing income of £95,000	100	0	The responsible highways network budget area is committed to staying within budget irrespective of the delivery of the scheme.
COM21	Rights of Way - removal of contribution to Coity Walia	21	6	Under spends across wider directorate areas have offset this shortfall in 2017-18. Full savings anticipated to be made in 2018-19.
COM24	AD procurement - Reduction in budget through savings in the treatment of the Councils domestic food waste, through a joint procurement exercise with the City and County of Swansea (CCS) for the treatment of food waste by anaerobic digestion (AD)	100	100	None required
COM32	Review of Lifeguard services to consider length of season and beach coverage.	60	60	None required
	Total Communities Directorate	767	402	

CHIEF EXECUTIVES

FINANCE

CEX1	To reduce the number of Finance and accountancy staff	50	50	None required
CEX2	To reduce the number of Internal Audit hours commissioned from joint service	60	60	None required
CEX3	To put Council Tax and some aspects of benefits online and to collaborate with others	150	75	Savings allocated between Housing Benefits & Council Tax and staffing reduction has been incorporated into the 18-19 structure. Council tax savings will not be achieved until Channel Shift has been incorporated for several months (fully implemented 24-4-18) and it is too early to identify if saving will be achieved in 18-19. Under spends realised elsewhere will mitigate overall.
CEX6	To reduce the number of corporate directors	120	120	None required
CEX11	Implement fines for non return of Single Person Discounts	34	34	Scheme is operational in 18-19, too early to establish the level of income that could be expected..
	Total Chief Executives	414	339	

OPERATIONAL AND PARTNERSHIP SERVICES

OPS1	Public Protection Collaboration	20	20	None required.
OPS2	Restructure of Legal, Democratic and Procurement.	150	135	Savings made elsewhere due to reallocation of target.
Housing				
OPS3	Non staff Budget, Review Service Level Agreements and Staffing.	50	50	None required.
Human Resources				
OPS4	To reduce number of staff in HR, OD and Communications and business support	140	118	Savings made elsewhere because the MTFS saving target was reallocated within the directorate.
OPS5	Reduction in Non Staffing budgets	10	10	None required.
ICT				
OPS6	Call tariff efficiency	40	25	Savings made from Software

Ref.	Budget Reduction Proposal	Original 2017-18 £'000	Amount of saving achieved £000	Comments / Mitigating Actions in 2018-19
OPS7	Review non staff budgets for communications, supplies training and equipment	65	155	None required.
Transformation				
OPS8	Staff restructure	60	22	Remainder of target met from Performance section of Legal.
Total Operational & Partnership Services		535	535	

CORPORATE / COUNCIL WIDE

CWD2	Reduction in other Corporate budgets including pay and price provision.	107	107	None required
CWD4	Reduction in provision for Council Tax Reduction Scheme	300	300	None required
Total Corporate / Council Wide		407	407	

GRAND TOTAL REDUCTIONS	5,852	4,012	
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REDUCTIONS SHORTFALL	1,840		
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2,523
2,794
535
5,852

BRIDGEND COUNTY BOROUGH COUNCIL	Budget 2017-18			Final Outturn £000	Final Variance Over/(under) budget £000	% Variance
	Expenditure Budget	Income Budget	Net Budget			
	£000	£000	£000			
EDUCATION AND FAMILY SUPPORT						
School Delegated Budgets	109,189	(21,802)	87,374	87,374	(0)	0.0%
Learning	10,181	(3,159)	6,967	7,098	131	1.9%
Strategic Partnerships & Comm	25,038	(11,403)	13,178	12,963	(215)	-1.6%
Built Environment	5,393	(4,437)	942	952	10	1.0%
TOTAL EDUCATION AND FAMILY SUPPORT	149,800	(40,801)	108,461	108,387	(74)	-0.1%
SOCIAL SERVICES AND WELLBEING DIRECTORATE						
Adult Social Care	57,230	(15,772)	41,458	41,992	534	1.3%
Sport, Play and Active Wellbeing	6,088	(873)	5,215	5,136	(79)	-1.5%
Safeguarding & Family Support	19,084	(818)	18,265	19,153	888	4.9%
TOTAL SOCIAL SERVICES AND WELLBEING	82,402	(17,463)	64,938	66,281	1,343	2.1%
COMMUNITIES DIRECTORATE						
Regeneration & Development	6,751	(2,147)	4,598	4,769	170	3.7%
Street Scene	34,226	(14,937)	18,948	18,632	(317)	-1.7%
Directorate Business Unit	573	-	446	438	(7)	-1.7%
Culture	297	(174)	110	101	(9)	-7.8%
Property Services	4,075	(2,633)	1,344	1,198	(146)	-10.8%
Elections	133	-	133	133	0	-0.3%
TOTAL COMMUNITIES	46,055	(19,892)	25,579	25,271	(308)	-1.2%
OPERATIONAL & PARTNERSHIP SERVICES DIRECTORATE						
Legal Services and Democratic Services	5,159	(542)	4,617	4,018	(599)	-13.0%
Regulatory Services	1,838	(403)	1,435	1,384	(51)	-3.6%
Transformation, Performance and Partnerships	561	(88)	473	444	(29)	-6.2%
ICT	5,060	(1,169)	3,891	4,263	372	9.6%
Human Resources	3,762	(346)	3,416	3,102	(314)	-9.2%
Housing and Homelessness	8,807	(7,251)	1,556	1,048	(508)	-32.6%
TOTAL OPERATIONAL & PARTNERSHIP SERVICES	25,188	(9,800)	15,388	14,259	(1,129)	-7.3%
Chief Executives						
Chief Executive	513	-	513	498	(15)	-2.9%
Finance	53,319	(50,221)	3,098	2,997	(101)	-3.3%
Internal Audit	313	-	313	251	(62)	-19.7%
TOTAL CHIEF EXECUTIVES	54,145	(50,221)	3,924	3,746	(178)	-4.5%
TOTAL DIRECTORATE BUDGETS	357,590	(138,176)	218,290	217,944	(346)	-0.2%
Council Wide Budgets	40,690	(887)	39,803	33,695	(6,108)	-15.3%
Accrued Council Tax Income				(594)	(594)	
Appropriations to / from Earmarked Reserves				6,661	6,661	
Transfer to Council Fund				387	387	
NET BRIDGEND CBC	398,280	(139,063)	258,093	258,093	(0)	0.0%

NB: Differences due to rounding of £000's

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	Total Costs to 31/3/18	Revised budget agreed by Council 28/02/18	Additional Approvals	Virements	Revised P12 Budget 2017-18	Total Expenditure to P12 2017-18	Over/ (Under) Budget	Slippage Requested	Impact on BCBC Resources	Comments
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Education & Family Support										
Pen Y Fai Primary School	6,877	35			35	30	- 5	5		
Y Dderwen Comprehensive School	0	5			5	-	- 5	5		
Coety/Parc Derwen Primary School	8,504	77			77	21	- 56	56		
Additional Learning Needs	4,063	59			59	3	- 56	56		
Garw Valley South Primary Provision	6,240	8,327			8,327	4,599	- 3,728	3,728		English school is operational and Welsh school construction underway
Garw Valley Primary Highways Works	254	358			358	212	- 146	146		
Pencoed Primary School	6,282	9,650			9,650	5,315	- 4,335	4,335		Pencoed Primary construction is underway and continues in 18-19
Pencoed School Highways Works	305	362			362	267	- 95	95		
Pencoed Artificial Pitch	186	-			-	1	- 1	-		
Brynmenyn Primary School	8,044	7,010			7,010	6,721	- 289	289		Brynmenyn Primary is operational - final account to be agreed
Brynmenyn Primary Highways Works	626	807			807	626	- 181	181		
Flying Start Provision	952	14			14	-	- 14	-	14	Works complete - underspend
Héronsbridge Special School	247	280			280	227	- 53	53		
Ysgol Bryn Castell Special School	95	96			96	95	- 1	-		
Children's Directorate Minor Works	455	-	84	371	455	455	-	-		Revenue contribution to capital determined at year end
Maesteg Comprehensive School Highways Improvements	410	8			8	2	- 10	8		
Schools Traffic Safety	203	30			30	22	- 8	8		
Education S106 Schemes	91	3			3	3	-	-		
Complex and Medical Needs Works in Schools	82	170		75	245	82	- 163	163		Minor Works contribution to Complex & Medical Needs. Works to continue in 18-19
Built Environment										
Solar Panels	28	12			12	1	- 11	-	11	Works complete - underspend
Total Education and Family Support	43,944	27,303	84	446	27,833	18,676	- 9,157	9,128	- 25	
Social Services and Well-being										
Extra Care Facilities	3	1,500			1,500	775	- 725	725		Construction is underway
Refurbishment Works for 52 Week Residential Provision at Heronsbridge School	289	255			255	258	3	-	3	Overspend funded from revenue
Modernisation and Mobilisation of the Homecare Workforce	44	63			63	35	- 28	-	28	Works complete - underspend
Bridgelink	0	30	-	30	-	-	-	-	-	Budget transferred to Minor Works
Adult Social Care Minor works	5	43	-	38	5	5	-	-	-	Budget transferred to Minor Works
Sports Facilities	74	23			23	23	-	-	-	
Social Services Care Act	24	22			22	24	2	-	2	
Multi Agency Safeguarding Hub (MASH)	0	100			100	-	- 100	100		The MASH team have recently moved in to Raven's Court so there has been no expenditure incurred to date
Minibuses for Adult Social Care	106	106			106	106	-	-		
Bridgend Life Centre	105	-	105		105	105	-	-		WG Integrated Care Fund capital grant received
Heron House	10	-	10		10	10	-	-		WG Integrated Care Fund capital grant received
Total Social Services and Well-being	209	2,142	115	- 68	2,189	1,341	- 848	823	- 25	
Communities										
Street Scene										
Town Beach Revetment Sea Defence, Porthcawl	1,059	646			646	950	304	-	304	
Eastern Promenade Porthcawl	24	-	24		24	24	-	-		WG capital grant received
Bridgend Bus Station	10	-		10	10	10	-	-		Minor Works allocation
Highways Structures	185	200			200	185	- 15	-		
Highways Maintenance	242	250			250	242	- 8	-		
Coity By Pass Land Compensation	16	-	16		16	16	-	-		WG grant received
Replacement of Street Lighting Columns/ River Bridge Protection Measures	529	703			703	529	- 174	174		The absence of a street lighting manager has resulted in slippage. A new manager was appointed in April to focus on this area
Road Safety	117	105	18	- 6	117	117	-	-		Grant received

	Total Costs to 31/3/18	Revised budget agreed by Council 28/02/18	Additional Approvals	Virements	Revised P12 Budget 2017-18	Total Expenditure to P12 2017-18	Over/ (Under) Budget	Slippage Requested	Impact on BCBC Resources	Comments
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Fleet Vehicles	78	-			-	78	78	-	78	
Re-locate Household Waste Recycling Centre - West	6	2			2	-	2	2		
Aberfields Playing Fields	0	11			11	-	11	11		
Playground at Ffordd yr Eglwys	50	25			25	-	25	-		Works complete - underspend
Bridge Strengthening - A4061 Ogmre Valley	322	340			340	263	77	77		
Communities Minor Works	166	210		67	143	166	23	-		Overspend funded from Highways underspend
Heol Simonstone/Coychur Rd	264	33			33	-	33	-		
S106 Highways Small Schemes	90	100			100	90	10	-		
Remedial Measures - Car Parks	1	5		30	35	1	34	34		
Prow Capital Improvement Programme	39	40			40	39	1	-		
Transport Grant Scheme - Safe Routes to School	744	786			786	744	42	-		Underspend of grant received in 17-18
Road Safety Improvements	58	100			100	58	42	-		Underspend of grant received in 17-18
METRO National Cycle Network	388	421			421	388	33	-		Underspend of grant received in 17-18
Coychurch New Cremators	1,059	-			-	1	1	-		
Coychurch Crem Works	264	280			280	264	16	-		Works complete - underspend
Retaining Wall Replacement, Bettws	38	75			75	38	37	37		
Civil Parking Enforcement Vehicle	11	-			-	11	11	-	11	
City Deal	2,285	-			-	2,285	2,285	-	2,285	Re-profiling of budget
Porthcawl Resort Investment Focus	67	168	3		171	111	60	60		
Bridgend Townscape Heritage Initiative	2,276	390	5		385	351	34	34		Re-profiling of grant
Porthcawl Townscape Heritage Initiative	438	283	15		298	245	53	53		Re-profiling of grant
Business Support Framework	2,200	130			130	127	3	3		
Purchase of Land at Salt Lake Car Park, Porthcawl	3,520	3,509			3,509	3,520	11	-	11	Overspend due to additional land tax costs
Porthcawl Rest Bay Waterside Cycle	282	-	5		5	5	-	-	-	Grant received
Maesteg Town Hall Cultural Hub	220	-			-	220	220	-	220	
Property	0									
Drainage, Science Park	0	30			30	-	30	30		
Minor Works	0	1,042		422	620	2	622	620		Holding code for Minor Works. A lack of capacity, along with the transition to Corporate Landlord, has resulted in slippage
Upgrading Industrial Estates	0	17		17	-	-	-	-		
Fire Precautions	69	-	69		69	69	-	-		Minor works contribution
DDA Works	27	-	27		27	27	-	-		Minor works contribution
DDA Works at Civic Offices	160	120		40	160	160	-	-		
Civic Offices External Envelope	2,496	1,012			1,012	958	54	54		
Relocation of Depot Facilities	225	500			500	165	335	335		
Bridgend Market	11	19		8	11	11	-	-		
Community Projects	480	50			50	36	14	14		
Culture										
Bryngarw House	62	-		62	62	62	-	-		
Total Communities	109,273	11,602	172	378	11,396	12,562	1,166	1,360	11	
Operational & Partnership Services										
ICT										
Community Care Information System	43	-	43		43	43	-	-		Grant received from NHS
Digital Transformation	480	70			70	70	-	-		
ICT Laptop Replacement (Life Expired)	223	250			250	223	27	27		
ICT Infrastructure - Data Storage	400	400			400	400	-	-		
Civic Desktop PC's	-	120			120	-	120	120		To be spent in 2018-19
Digital Meeting Spaces	21	150			150	21	129	129		To be spent in 2018-19
Desktop Computer / Monitor Replacement	391	240	151		391	391	-	-		Computer equipment purchases funded from revenue. Revenue budget has been approved and the additional budget is reclassification of computer equipment from revenue to capital.

	Total Costs to 31/3/18	Revised budget agreed by Council 28/02/18	Additional Approvals	Virements	Revised P12 Budget 2017-18	Total Expenditure to P12 2017-18	Over/ (Under) Budget	Slippage Requested	Impact on BCBC Resources	Comments
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Housing / Homelessness							-	-		
Target Hardening Grants	3	-			-	3	3	-		Overspend offset by Housing Renewal Schemes
Housing Renewal Area	167	100		67	167	167	-	-		
Empty Homes Grant	130				-	130	130	-		Overspend offset by Housing Renewal Schemes
Comfort Safe & Security Grants	10				-	10	10	-		Overspend offset by Housing Renewal Schemes
Emergency Repair Lifetime Grant	30				-	30	30	-		Overspend offset by Housing Renewal Schemes
Housing Renewal/Disabled Facilities Grants	1,993	2,772		- 67	2,705	1,993	- 712	209		
Enable Grant	170	170			170	170	-	-		
Homes in Town Grant	330	-			-	330	330	-		Overspend offset by Housing Renewal Schemes
Brynmenyn Homelessness Unit	1	120			120	1	- 119	119		
Legal & Democratic Services							-	-		
Mayor's Car	23	23			23	23	-	-		
Total Operational & Partnership Services	4,415	4,415	194	-	4,609	4,005	- 604	604	-	
Total Expenditure	157,841	45,462	565	-	46,027	36,584	- 9,443	9,195	- 39	

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TOTAL MOVEMENT ON EARMARKED RESERVES 31 MARCH 2018

Opening Balance 1 April 2017	Reserve	Movement 2017-18		Closing Balance 31 March 2018
		Additions / Reclassification	Draw Down	
£'000		£'000	£'000	£'000
	Corporate Reserves:-			
11,380	Capital Programme Contribution	6,016	(5,314)	12,082
8,451	Major Claims Reserve	(429)	-	8,022
8,103	Service Reconfiguration	1,130	(1,276)	7,957
2,335	Insurance Reserve	-	-	2,335
1,936	Digital Transformation	(380)	(301)	1,255
1,588	Change Management	-	(405)	1,183
1,268	ICT & Finance Systems	55	(118)	1,205
1,262	Asset Management Plan	381	(281)	1,362
-	Corporate Pressures Contingency	1,000	-	1,000
1,000	MTFS Budget Contingency	-	(200)	800
718	Building Maintenance Reserve	306	(1)	1,023
500	Welfare Reform Bill	(200)	-	300
249	Capital Feasibility Fund	268	(163)	354
182	DDA Emergency Works	1	(64)	119
138	Property Disposal Strategy	13	(50)	101
146	Public Realm	-	(89)	57
4	Waste Management Contract	-	(4)	-
39,260	Total Corporate Reserves	8,161	(8,266)	39,155
	Directorate Reserves:-			
1,036	Looked After Children	(1)	(96)	939
880	Wellbeing Projects	-	(158)	722
651	Directorate Issues	1,438	(137)	1,952
175	Car Parking Strategy	(175)	-	-
-	City Deal Reserve	1,088	-	1,088
431	School Projects Reserve	(28)	(287)	116
250	Property Reserve	-	(30)	220
250	Porthcawl Regeneration	80	(18)	312
250	Waste Awareness Reserve	-	(199)	51
171	Safe Routes to Schools	19	(112)	78
-	Community Safety Reserve	97	-	97
50	Donations Reserve Account	3	-	53
25	Human Resources Reserve	(10)	(10)	5
20	Local Development Plan IT System	-	-	20
6	Webcasting Reserve	-	(6)	-
66	Partnership Reserve	(66)	-	-
31	Community Safety Reserve	(31)	-	-
4,292	Total Directorate Reserves	2,414	(1,053)	5,653

Opening Balance 1 April 2017 £'000	Reserve	Movement 2017-18		Closing Balance 31 March 2018 £'000
		Additions/ Reclassification £'000	Drawdown £'000	
	Equalisation & Grant Reserves:-			
832	Highways Reserve	52	(125)	759
841	IFRS Grants	604	(470)	975
533	Special Regeneration Fund	182	(100)	615
201	Election Costs	-	(173)	28
-	Legal Fees	119	(10)	109
3,949	Maesteg PFI Equalisation Reserve	(3,949)	-	-
196	Local Development Plan	17	-	213
174	Civil Parking Enforcement	12	-	186
15	Building Control Reserve	7	-	22
6,741	Equalisation & Grant Reserves	(2,956)	(878)	2,907
866	School Balances	-	(506)	360
51,159	TOTAL RESERVES	7,619	(10,703)	48,075

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE INTERIM HEAD OF FINANCE AND SECTION 151 OFFICER

PROPOSAL TO INCORPORATE THE SHARED INTERNAL AUDIT SERVICE (RIASS) INTO A LARGER SERVICE HOSTED BY THE VALE OF GLAMORGAN COUNCIL TO INCLUDE TWO ADDITIONAL COUNCILS

1. Purpose of Report

- 1.1 The purpose of the report is to set out a proposal for the Council's Internal Audit Service which is already part of an existing Regional Internal Audit Shared Service (RIASS) hosted by the Vale of Glamorgan Council, to become part of a larger collaboration.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate priority/priorities:

Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 All local authorities in Wales have a legal duty to maintain appropriate and effective internal audit arrangements as set out in the Accounts and Audit (Wales) Regulations 2018 (and prior to this, the Accounts and Audit (Wales) Regulations 2014).
- 3.2 The Council has a consistent track record of meeting this legal duty through the delivery of annual internal audit plans; forming evidence based opinions on the standard of internal control across the Council; ensuring recommendations to improve the standard of internal control have been implemented; and supporting the Council's Audit Committee to deliver its Terms of Reference.
- 3.3 Cabinet at its meeting held on 6th March 2012 approved the proposal that Bridgend County Borough Council become a partner in the Internal Audit Shared Service (IASS) partnership as a joint discharge of functions under Section 101 of the Local Government Act 1972; with the Vale of Glamorgan Council operating as the host authority and authorised the Section 151 Officer in consultation with the Monitoring Officer to make the necessary arrangements to establish the IASS, subject to an agreed Partnership Agreement and Contract.
- 3.4 A formal Partnership Agreement was signed and sealed by both Councils on 1st February 2013, whereby an IASS would be provided by the Vale as the Host

Authority for a period of three years to Bridgend Council. Cabinet at its meeting held on 1st September 2015 approved the extension of the IASS Partnership Agreement for a period of two years to 31st January 2018.

- 3.5 As Members will be aware, the Council has a proactive approach to exploring opportunities to develop and improve service provision, including collaborative working, where it is in the Authority's best interest to do so. In line with this approach, the Council's Interim Head of Finance and Section 151 Officer, along with counterparts within Rhondda Cynon Taf, Merthyr Tydfil and the Vale of Glamorgan Councils have undertaken a business case review to consider extending the RIASS currently in place for Bridgend and the Vale of Glamorgan Councils to include Rhondda Cynon Taf and Merthyr Tydfil County Borough Councils.
- 3.6 The current RIASS in place between Bridgend and the Vale of Glamorgan Councils has been fully operational under a formal Partnership Agreement since February 2013. During this time, both Councils report that:
- The RIASS has delivered consistently against the approved annual risk based plans and achieved the necessary coverage in order to issue a robust, evidence based audit opinion at the end of each year; and
 - Benefits have been realised by bringing the sections together, some of which included the effective use of the total audit resource, knowledge sharing and harmonising working practices and systems.
- 3.7 Following on, both Councils indicate that the RIASS has and is achieving the following objectives:
- The service is affordable and is delivering efficiencies and economies of scale;
 - The service enhances the professionalism and quality of audit services provided to both Councils through shared knowledge and best practice;
 - The service is flexible and can respond to changing service requirements and priorities;
 - The service can extend access to specialist audit services and other related disciplines to both Councils; and
 - The service conforms with the Public Sector Internal Audit Standards, with no significant deviations noted.
- 3.8 The RIASS is a small service and is currently unable to deliver the audit plan with its own resources. Furthermore, based on the outcomes delivered by the RIASS to date, it is considered that there would be business benefits for Bridgend if it were to become part of a larger regional service. This includes providing opportunities:
- To further improve the resilience of the service by creating a larger team of staff compared to the current set up of smaller separate teams across a number of local authorities;
 - To develop in-house specialist audit skills not currently in place, such as contract and computer auditing, that will add value to key areas of the Council's business and provide development opportunities for team members;
 - To further modernise the service by applying consistent working practices and optimising the use of information technology and agile working; and

- To take advantage of the economies of scale and in-house specialist audit skills to develop a more commercial approach whilst ensuring the Service's core business is maintained.

4. Current Situation / Proposal

- 4.1 As set out in Section 3 of the report, there are clear business benefits for Bridgend Council in becoming part of a larger RIASS. A proposed way forward is set out below.

Partnership Agreement

- 4.2 In accordance with the current Partnership Agreement, the IASS Board may agree that the Agreement shall be terminated upon terms agreed by it unanimously. It is anticipated that a new Partnership Agreement based on Section 101/102 of the Local Government Act 1972 will then be drafted on similar terms to the original agreement but including Rhondda Cynon Taf County Borough Council and Merthyr Tydfil Borough Council as new parties.
- 4.3 All Councils will be required to sign-up to the terms and conditions of this agreement for a set period of time (proposed minimum of three years) in order to demonstrate commitment.
- 4.4 The Vale of Glamorgan Council will continue to be designated as the single employing authority and the Council's staff currently employed within RCT and Merthyr Internal Audit Service will be subject to TUPE (Transfer of Undertakings - Protection of Employment Regulations) and transferred to the Vale of Glamorgan Council. On this basis, Bridgend County Borough Council have no involvement.
- 4.5 Subject to approval from each Authority and consideration of appropriate implementation arrangements, it is envisaged that the new RIASS would become operational during this financial year, that is, 2018/19.

Governance Arrangements

- 4.6 Oversight of the RIASS will be in the form of a Joint Partnership Board and would comprise of Section 151 Officers (or their nominees) from each Council. The Board will monitor the performance of the Shared Service to ensure that it delivers the standards and expectations set out in the Partnership Agreement.
- 4.7 Whilst the Board will jointly oversee the performance of the Shared Service, the responsibility for the adequacy of the Council's whole system of internal audit will continue to remain with the Council and cover, amongst other things, being responsible for approving audit plans and monitoring delivery via the Audit Committee. This will be fully compliant with the Terms of Reference for the Audit Committee and ensure the requirements of the Accounts and Audit (Wales) Regulations 2018 and Public Sector Internal Audit Standards are met.

- 4.8 The Council will also continue to be responsible, via the Audit Committee, for overseeing the effectiveness of the internal audit function, governance, risk management and control arrangements and holding the Head of Internal Audit to account for delivery of the approved Audit Plan. In addition, the existing arrangements in place to hold managers to account to implement recommendations made by Internal Audit will remain unchanged.

Annual Audit Planning

- 4.9 The annual Audit Plan for 2018/19, as agreed by Audit Committee on 26th April 2018, will continue to be delivered as set out. Subject to agreement on the new RIASS, the draft 2019/20 Audit Plan will be compiled by the RIASS and reported to Audit Committee for consideration and approval.
- 4.10 As part of the annual audit planning process for 2019/20, the Head of the Regional Internal Audit Service will undertake an assessment of risk and 'audit need' across all partner local authorities to ensure audit coverage is appropriate and optimum use is made of available resources. This approach is in line with existing arrangements and will also take into account the new business benefits a RIASS will provide as set out in paragraph 4.6.

Staffing Arrangements

- 4.11 A key principle underpinning the proposal is that all existing employees will remain as part of the new RIASS on current grades and terms and conditions. As part of the transfer process, engagement with staff, Trade Unions and Human Resources would take place, in line with agreed arrangements.
- 4.12 Following the transfer process, a proposed staffing structure for a new RIASS would be consulted upon with staff and Trade Unions, with the proposed staffing structure having sufficient posts for all existing employees to be recruited into. As such there will be no requirement to consider compulsory redundancies.

Audit Committee

- 4.13 Subject to approval, a report will be presented to the Council's Audit Committee with the requirement for the Committee to oversee implementation arrangements during 2018/19.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 None.

6. Equalities Impact Assessment

- 6.1 In developing the proposal, an Equality Impact Assessment screening has been undertaken to ensure that:

- The Council meets the requirements of the Public Sector Equality Duties, and

- Due regard has been taken of the likely impact of the decision in terms of equality and discrimination

6.2 There are no negative equality impacts arising from this report.

7. Well-being of Future Generations (Wales) Act 2015 Implications

7.1 The proposal supports the Well-being of Future Generations Act in the following ways:

- The well-being goal of a prosperous Wales through the efficient use of resources and developing skills and employment opportunities, and
- The sustainable development principle of 'collaboration' through working with others to help achieve common objectives.

8. Financial Implications

8.1 In line with the review work undertaken, it is estimated that potential future budget savings to the Council could be delivered over time. Following the first year and subject to developing a more commercial emphasis, it is anticipated that additional income generation will reduce the net cost of the service to all partner local authorities.

9. Recommendations

To enable the Council to become part of a larger RIASS that will reinforce business resilience, further enhance the range of audit expertise available to the Council and support the delivery of a more efficient service, it is recommended that Cabinet:

- 9.1 Approves the proposal for the RIASS to expand to include RCT and Merthyr with the Vale of Glamorgan Council continuing to operate as the host authority;
- 9.2 Authorises the Interim Head of Finance and Section 151 Officer, in consultation with the Monitoring Officer, to make the necessary arrangements for Bridgend County Borough Council to become part of an enhanced RIASS subject to an agreed Partnership Agreement and Contract;
- 9.3 Note that subject to approval, this report will be presented to the Council's Audit Committee and the Committee will be tasked with overseeing the required implementation arrangements during 2018/19.

Gill Lewis
Interim Head of Finance and Section 151 Officer
June 2018

Contact Officer: Gill Lewis
Interim Head of Finance and Section 151 Officer
Telephone: (01656) 643302
E-mail: Gill.Lewis@bridgend.gov.uk

Background documents: None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE INTERIM HEAD OF FINANCE AND SECTION 151 OFFICER

NON DOMESTIC RATES: DISCRETIONARY RELIEF: HIGH STREET RATES RELIEF SCHEME 2018-19

1. Purpose of Report

- 1.1 The purpose of the report is for Cabinet to adopt the Welsh Government's High Street Rates Relief Scheme for 2018/19.

2. Connection to Corporate Improvement Plan/Other Corporate Priority

- 2.1 The outcome of this Scheme is aligned to:-

- Supporting a successful economy – helping businesses to reduce their rates charges for the period 01/04/18 – 31/03/19 in order to support continued occupation of the High Street.

3. Background

- 3.1 The Welsh Government has announced that a High Street Rates Relief Scheme will be available for 2018-19 to support businesses within the retail sector in Wales. This relief will be in conjunction with Small Business Rates Relief and Transitional Relief. The Scheme sets out the various categories of retail premises that will benefit from relief. These are detailed in **Appendix A** of the report, but broadly the premises included are those that have a rateable value of £50,000 or less; are occupied; and are wholly or mainly used as shops, restaurants, cafes and drinking establishments. (These categories are intended to cover premises that are being used for the sale of goods and/or services, or food and/or drink, to visiting members of the public). In addition the premises must be situated in a high street setting or similar and precludes retail properties situated in out of town developments or industrial estates.
- 3.2 The Scheme will be administered by the Council as a 'reimbursing local authority' that uses discretionary relief powers (under section 47 of the Local Government Finance Act 1988). It will be for individual local billing authorities to decide to grant relief under section 47 but Welsh Government will reimburse local authorities for the relief that is provided.
- 3.3 The Welsh Government will provide relief of up to £250 (Tier 1) and £750 (Tier 2) for qualifying occupied retail properties with a rateable value of up to £50,000 in the financial year 2018-19, subject to State Aid limits.
- 3.4 The Wales High Street Relief Scheme for 2018-19 will run alongside the Small Business Rates Relief Scheme and the new Transitional Relief Scheme, introduced by Welsh Government, which was introduced to alleviate the impact of the 2017 revaluation for those businesses adversely affected.

3.5 It is estimated that up to 391 ratepayers across the Borough could potentially benefit from reduced rates bills under this Scheme.

4. Current situation / Proposal

4.1 The Council can elect to adopt the Scheme but does not have discretion over any elements of the Scheme. It is proposed that the Council adopts the Scheme for 2018-19 by making the appropriate determination and decision, as required by Sections 47(1)(a) and 47(3) respectively of the Local Government Finance Act 1988.

4.2 Full details of the High Street Rate Relief Scheme and the guidance on the application of the Scheme have been received from Welsh Government. If the Scheme is adopted, application forms will be issued to all qualifying business properties. It is proposed that upon receipt of a valid application form, the decision to award relief be made by the Revenues Manager provided all terms of the Scheme are met.

4.3 It is recommended that the Chief Executive be given the following delegation within the Council's Scheme of Delegation of Functions at Scheme B2 to allow him to sub-delegate to appropriate officers and facilitate effective decision making:

	To award relief to all qualifying businesses in accordance with the Non-domestic Rates Relief Scheme that may be eligible following receipt of a valid application form.
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5 Effect upon Policy Framework & Procedures Rules.

5.1 None.

6. Equality Impact Assessment

6.1 There are no equality implications arising from this report.

6.2 Once adopted, the Council is obliged to comply with the Welsh Government's rules in applying the Scheme. These are detailed in Appendix A.

7 Well-being of Future Generations (Wales) Act 2015 Assessment

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report .

8. Financial Implications

8.1 There are no direct financial implications to the Council in adopting the scheme. The full value of discretionary awards is reimbursed by the Welsh Government, along with a small administration grant to cover expenses such as printing and postage for the application and billing procedures.

9. Recommendations

It is recommended that Cabinet:

- 9.1 Adopt the Non Domestic Rates High Street Rates Relief Scheme as detailed within Appendix A;
- 9.2 Approve the amendment to the Scheme of Delegation of Functions as set out at paragraph 4.3 of the report.

Gill Lewis
Interim Head of Finance & Section 151 Officer
1 May 2018

Contact Officer: Helen Rodgers
Revenues Manager

Telephone: 01656 643194

Email: Helen.Rodgers@bridgend.gov.uk

Postal Address: Ravens Court
Brewery Lane
Bridgend
CF31 4AP

Background documents:

Welsh Government Non Domestic Rates High Street Rates Relief Guidance

APPENDIX A

Resolution

(a) The Council determines that, unless hereditaments are excepted under (b) below, Section 47(1)(a) (discretionary relief) of the Local Government Finance Act 1988 will apply as regards the hereditaments described in 'The Scheme' in accordance with the rules described in relation to those hereditaments.

It is reasonable for the Council to make this decision having regard to the interests of persons liable to pay council tax set by the Council.

(b) Relief is not available under this resolution in respect of any hereditament which is occupied by -

- the Welsh Ministers, a Minister of the Crown or government department,
- any public authority (including any local authority),
- the holder of any public office, or
- the Crown

(c) The Council decides, under Section 47(3) of the Local Government Finance Act 1988, that during the billing year 2018-19 'The Scheme' shall apply to the hereditaments described..

The Scheme to be Adopted

Introduction

The relief is intended to be a temporary measure for 2018-19 only, aimed at high street retailers in Wales, for example shops, pubs, restaurants and cafes – including those retailers which have seen their rates increase as a result of the 2017 revaluation undertaken by the Valuation Office Agency.

The Welsh Government will provide two tiers of non-domestic rates relief, of up to £250 (Tier 1) or £750 (Tier 2), to eligible high street retailers occupying premises with a rateable value of £50,000 or less in the financial year 2018-19, subject to State Aid limits.

Properties that will benefit from this relief will be occupied high street properties such as shops, restaurants, cafes and drinking establishments, with a rateable value of £50,000 or less on 1 April 2018.

Two tiers of relief will be provided depending on the rateable value of the property, whether liability is increasing from 1 April 2017 as a result of the revaluation and whether the business is already entitled to other Welsh Government support.

Tier 1 – lower level of support: £250 (or the total remaining liability if this is less than £250)

Eligible ratepayers will be high street retailers whose properties have a rateable value of between £6,001 and £12,000* for the financial year 2018-19 and who meet the following criteria:

- In receipt of Small Business Rates Relief (SBRR) on 1 April 2018; and /or
- In receipt of Transitional Relief on 1 April 2018.

*There will be a small number of ratepayers whose properties have a rateable value of £12,000 or above who are in receipt of Transitional Relief. These ratepayers will also qualify for Tier 1 relief.

It is recognised that there may also be a small number of ratepayers whose properties have a rateable value of £12,000 who are not in receipt of Transitional Relief and who are on the very upper threshold of the SBRR taper and hence receive no SBRR relief. Such ratepayers will be eligible for Tier 1 relief.

Tier 2 – higher level of support: £750

Eligible ratepayers will be high street retailers whose property has a rateable value between £12,001 and £50,000 for the financial year 2018-19 and who meet the following criteria:

- Not in receipt of SBRR or Transitional Relief on 1 April 2018; and
- Have an increase in their liability on 1 April 2018.

It is intended that, for the purposes of this scheme, high street properties such as, “shops, restaurants, cafes and drinking establishments” will mean the following (subject to the other criteria in this guidance).

i. Premises that are being used for the sale of goods to visiting members of the public

Shops (such as florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off-licences, newsagents, hardware stores, supermarkets, etc)

- Opticians
- Pharmacies
- Post offices
- Furnishing shops or display rooms (such as carpet shops, double glazing, garage doors)
- Car or caravan showrooms
- Second hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale or hire)

ii. Premises that are being used for the provision of the following services to visiting members of the public

- Hair and beauty services
- Shoe repairs or key cutting
- Travel agents
- Ticket offices, eg. for theatre
- Dry cleaners
- Launderettes

- PC, TV or domestic appliance repair
 - Funeral directors
 - Photo processing
 - DVD or video rentals
 - Tool hire
 - Car hire
 - Cinemas
 - Estate and letting agents
- iii. Premises that are being used for the sale of food and / or drink to visiting members of the public
- Restaurants
 - Drive-through or drive-in restaurants
 - Takeaways
 - Sandwich shops
 - Cafés
 - Coffee shops
 - Pubs
 - Wine Bars

To qualify for the relief a hereditament listed in (i) to (iii) should be wholly or mainly used as a shop, restaurant, café or drinking establishment. This is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

The list set out above is not intended to be exhaustive as it would be impossible to list all the many and varied high street retail uses that exist. There will also be mixed uses. However, it is intended to be a guide as to the types of uses that the Welsh Government considers should qualify for the High Street Rate Relief Scheme. Determinations will be required as to whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.

As the grant of the relief is discretionary, local authorities may choose not to grant the relief if they consider that to be appropriate, however it is highly unlikely that the Council would not wish an eligible business to benefit from the reduction in rates that the scheme affords.

There are certain business types that Welsh Government has specifically excluded from the scheme namely:

i. Premises that are being used for the provision of the following services:

Financial services (eg. banks, building societies, cash points, ATMs, bureaux de change, payday lenders, betting shops, pawn brokers)

Medical services (eg. vets, dentists, doctors, osteopaths, chiropractors)

Professional services (eg. solicitors, accountants, insurance agents, financial advisers, tutors)

- Post office sorting office
- Tourism accommodation, eg. B&Bs, hotel accommodation and caravan parks
- Sports clubs

- Children's play centres
- Day nurseries
- Outdoor activity centres
- Gyms
- Kennels and catteries
- Show homes and marketing suites
- Employment agencies

There are a number of further types of hereditaments which the Welsh Government believes should not be eligible for the high street relief scheme:

ii. Premises with a rateable value of more than £50,000

Whilst It is recognised there are some high street retail businesses with rateable value above the £50,000 relief threshold who are also experiencing increases in their rateable values as a result of the 2017 Revaluation, these properties will not be eligible for this relief.

iii. Premises that are not reasonably accessible to visiting members of the public

If a business is not reasonably accessible to visiting members of the public, it will be ineligible for relief under the scheme.

iv. Premises situated in out-of-town retail parks or industrial estates

The scheme will only apply to business premises that are situated in a high street environment or similar, this includes town centre pedestrian shopping precincts or malls but specifically excludes those situated in out of town retail parks or industrial estates.

v. Premises that are not occupied

Properties that are not occupied on 1 April 2018 should be excluded from this relief. There are other statutory rate reliefs that provide reductions under certain circumstances for empty properties.

vi. Premises that are in receipt of mandatory charitable rates relief

Retail premises that already receive mandatory rate relief such as charity shops are excluded from receiving additional relief under the High Street Relief Scheme.

Other Considerations

Ratepayers that occupy more than one property will be entitled to High Street Rates Relief for each of their eligible properties, subject to State Aid de minimis limits.

Eligibility for the relief will be calculated based on the circumstances of the property and ratepayer as at 1 April 2018. Changes to properties which occur after this date will have no impact on eligibility for this relief.

Empty properties becoming occupied after 1 April 2018 will not qualify for this relief.

If there is a change in occupier part way through the financial year, after relief has already been provided to the hereditament, the new occupier will not qualify for the relief.

This treatment is intended to simplify the administration of the scheme but also reflects that the relief is to help support those affected by the revaluation. It is assumed that the rateable values for properties being occupied after 1 April 2018 will have been known in advance.

State Aid

Awards made under the High Street Rate Relief Scheme will in most instances count as state aid and the European Union regulates state funded support to businesses.

The De Minimis Regulation allows an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years).

To administer the scheme and comply with the De Minimis regulations it is necessary for the council to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. The threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State Aid is not relevant to the De Minimis calculation).

To comply with the state aid rules all ratepayers will be required to declare if they consider that they have exceeded the de minimis limits and will be sent a form for this purpose.

Further information on the state aid and de Minimis rules can be found at:

<http://gov.wales/funding/state-aid/de-minimis-aid/?lang=en>

http://ec.europa.eu/competition/state_aid/legislation/de_minimis_regulation_en.pdf

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

BRIDGEND COUNTY BOROUGH COUNCIL TREE MANAGEMENT POLICY

1. Purpose of Report

The purpose of this report is to highlight the value of Bridgend County's Urban Tree population, update on work to assess the condition of the Council's tree population and undertake priority tree management works and approval of a long term Tree Management Policy for Bridgend County Borough Council (BCBC).

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1. This report supports the following corporate priorities:

- Supporting a successful local economy
- Helping people to be more self-reliant
- Smarter use of resources

3. Background

- 3.1. This work is set against a backdrop of consideration for health and safety as well as best practice in relation to environmental preservation and enhancement.
- 3.2 As a significant land owner within the County Borough, BCBC has a legal duty of care to ensure the woodlands and trees within the council's ownership are safe environments for the public to visit and move within.
- 3.3 The Council has a liability under Civil law under the Occupiers' Liability Acts which provides that an occupier with control over premises is obliged to take reasonable care to ensure that either the visitor (under the 1957 Act) or trespasser (under the 1984 Act) will be reasonably safe. A higher standard of care is owed to a visitor than to a trespasser. An even greater duty of care is owed to a child and occupiers must expect children to behave with less care than adults.
- 3.4 The Council could also be liable to criminal prosecution under the Health and Safety at Work Act 1974: This places a duty on employers to ensure, so far as is reasonably practicable, that employees and members of the public (and other persons such as self-employed people) are not put at risk. New sentencing guidelines were introduced in 2016 and upon conviction the Council could be liable to a fine of up to £4 million.
- 3.5 BCBC's tree stock is not the responsibility of one single department and the Council has no in-house arboricultural expertise. Therefore, if there is a tree issue, the responsibility falls to the holding department who has responsibility for the land on which the tree(s) are located. In respect of schools, individual Premises

Responsible Persons (PRPs) have this responsibility and in respect of the Highways, relevant Highways legislation applies.

- 3.6 In 2005, BCBC produced a corporate policy to deal with complaints received in respect of trees on Council owned land, excluding trees affecting the Highway. This corporate policy identified a number of circumstances where the Council will intervene and fell trees following complaints from third parties and where it will not. Since this time, a tree protocol and checklist has been prepared and used as an initial tree assessment.
- 3.7 In 2015, BCBC in partnership with Forest Research – the research agency of the Forestry Commission – produced a report entitled “Valuing the Urban Trees in Bridgend County Borough”. The report utilised i-Tree, which is a state-of-the-art, peer-reviewed software suite from the United States Department of Agriculture (USDA) Forest Service that provides urban and community forestry analysis and benefits assessment tools. i-Tree uses a plot based method of sampling, with data recorded from a number of plots across a study area that are extrapolated to represent the area as a whole. The study areas included were defined using the Landscape Character Assessment (LCA) boundaries and Bridgend’s Local Development Plan boundary (LDP) and covered the urban areas of Bridgend, Maesteg, Porthcawl, Pencoed and Pyle. This combination was used as it included greenspaces on the periphery of the urban area and consequently outside of the LCA boundaries.
- 3.8 When the research was carried out, Bridgend County Borough’s urban forest:
- had over 439,000 trees, resulting in an average urban tree density of 99 trees per hectare (ha); this is above existing estimates for other areas in the UK
 - had a 12% urban tree cover, equal to an area of 533 ha. The trees were primarily found in parks, on residential land and on vacant land
 - had a low proportion of large trees compared to previous i-Tree Eco studies conducted in the UK, and would benefit from more medium and large sized trees
 - had up to 27% of urban space available to plant trees or shrubs
 - included 60 tree and shrub species, recorded across 12 land use categories
 - had ash, hawthorn and goat willow as the most commonly encountered species
- 3.9 The report concluded that urban trees alone in Bridgend County Borough deliver the following:
- intercept an estimated 124 million litres of water every year, equivalent to an estimated £163,790 in sewerage charges avoided
 - remove an estimated 61 tons of airborne pollutants each year, worth more than £326,000 in damage costs
 - remove an estimated 2,080 tons of carbon from the atmosphere each year, this amount of carbon is estimated to be worth £461,400
 - store an estimated 53,500 tons of carbon, this amount of carbon is estimated to be worth £12.1 million
 - have a replacement value of £142 million
 - have an asset value of £686 million, an evaluation based on visual amenity.
- 3.10 The report concluded that these figures should be considered as conservative estimates for the urban forest. It should also be noted that not all of these trees are

on Council land and that the report does not include figures or values for the tree population, Council owned or otherwise, outside of the urban areas covered.

4. Current Situation / Proposal

4.1 Following the Cabinet report in November 2016, entitled “Environment (Wales) Act 2016 – New Duties and Responsibilities”, and running alongside the development of BCBC’s Corporate Landlord approach, a cross-directorate working group was established to consider options for a future approach towards the management of trees on BCBC owned land. The focus was to review the Council’s current approach towards tree management and put in place a new policy, procedures and management plan with a dual focus on health and safety and environmental preservation and enhancement.

4.2 It was considered that there was a need for:

(a) Research and analysis of all BCBC tree stock to determine fit with the following categories:

- Very high target occupancy (constant use)
- High target occupancy (frequent use)
- Medium Target occupancy (intermittent use)
- Low target occupancy (occasional use)

(b) Inspections of tree stock in areas of very high or high occupancy and identify trees considered to be of a significant risk.

(c) A document that identifies remedial tree works required in areas of greatest risk, in priority order. Based on this report, the contracting of suitably qualified company/companies to undertake the required works.

(d) The development of a new Tree Management Policy, setting out the Council’s approach to tree management on its land

(e) The development of a Framework Agreement for future procurement of tree management works covered under the new Tree Management Policy, once the priority works had been completed.

(f) The delivery of a training programme for BCBC staff to support an increased understanding of the value of trees and their management and to enable relevant officers to undertake initial level tree assessments. It is intended that this training will be mandatory for site responsible officers and PRPs, or those with delegated authority to attend.

4.3 Following the completion of the review of tree stock in relation to target occupancy a holistic inspection programme took place of those areas identified as very high and high target occupancy. A document has been produced that itemises the required works in the areas of greatest risk and draft procurement documentation has been prepared. It is intended to procure appropriately qualified company/companies by August 2018.

4.4 Procurement documentation has also been prepared for the Framework Agreement and it is intended that this will be in place by December 2018. This Framework Agreement will be for on-going works once the priority works covered in 4.3 have been completed.

- 4.5 The opportunity to achieve relevant qualifications in Arboriculture up to National Qualification Framework (NQF) level 4 will be made available to relevant staff, in line with policies and procedures. When qualified, the on-going arboricultural assessment works will be undertaken in-house. Until such a time as this occurs, the on-going assessment works will be procured via the above Framework Agreement.
- 4.6 Funding has been secured through the Single Revenue Grant provided by Welsh Government to deliver a training programme for BCBC staff in relation to initial level tree management and tree assessment. The training programme will be delivered between July 2018 and March 2019.
- 4.7 A new Tree Management Policy has been developed and is attached as appendix 1.
- 4.8 The aim of this Policy is to ensure that the Council is compliant with all relevant statutory legislation and current best practice guidance, regarding the management of trees and woodlands within the Bridgend County Borough area, set against the legislative context. This includes management of trees to reduce any associated hazards as well as taking into account the social, economic and environmental benefits that a healthy urban tree stock provides.
- 4.9 This Policy is purely for the management of trees and woodlands located on Council owned land. The management of trees located on land outside of Council ownership is the responsibility of the relevant landholder.
- 4.10 This Policy outlines a proactive tree survey system that identifies the issues of management and records the way in which BCBC owned trees are assessed and managed so that a realistic response to the issue of tree risk and management is given. This system is compliant with the Safety at Work Act (1974) and the Health and Safety Executive's (HSE) Management of the risk from falling trees. This Policy identifies that a reasonably practicable approach be taken, which is proportionate to the risk. There will, however, always be a risk associated with trees. This risk can be managed and reduced by the implementation of a proactive inspection regime to help identify potential failures and safety issues with particular trees. There will however also always remain a need for reactive management.
- 4.11 The Policy has been developed to be used as a tool to provide an audit trail of actions taken in response to a potential risk, what the findings were and how these findings were acted upon. It is a systematic approach that can help to demonstrate that BCBC has dispensed its duty with 'reasonable care' and takes appropriate action as necessary to protect members of the public and employees.
- 4.12 The Policy sets out a framework under which proactive tree assessments and works and reactive tree assessments and works can take place. The Policy also highlights a specific approach in relation to Highways and identifies criteria against which the Council may refuse requests to undertake tree management works.
- 4.13 Proactive tree assessments will involve a two stage process. Initially, and following attendance at relevant training, site responsible officers and PRPs, or delegates, will undertake initial tree assessments using the BCBC protocol and checklist detailed in the Policy. The frequency with which these are carried out will

depend on the level of risk identified following the risk zone mapping outlined in 4.2. Whilst risk zone mapping allows the establishment of priority areas for inspection, an assessment of the potential for an individual tree to fail also needs to be carried out. If uncertainty exists or further assessment is required, stage two will commence. The stage two proactive tree surveys should be carried out by someone who is qualified in Arboriculture to a minimum of level 4 National Qualification Framework (NQF) or higher. The approach for ensuring this is set out in 4.5. There is potential for conflict between the presence of trees and the safe use of the public highway. The Highways Act 1980 (amended 1986) is relevant to both BCBC owned trees and those in private ownership that have the potential to affect the adopted highway and decisions will be made by the Highway Authority. BCBC will endeavor to carry out all works required by the Act on BCBC owned land within 14 days of the works being identified.

- 4.14 Following proactive tree assessment, if it is considered that proactive tree management works are required the land holding department will procure the required works to be carried out in a timeframe as indicated in the assessment report from a Framework Agreement, made up of suitably qualified and experienced companies. The tree works must be in accordance with BS 3998:2010 – Tree Work Recommendations (2010) and other relevant and current industry good practice.
- 4.15 Reactive tree assessments should take place by site responsible officers and PRPs following severe weather conditions such as high winds or prolonged periods of precipitation which may have resulted in stability issues relating to saturated or waterlogged soils, root heave or wind damaged crowns. Reactive tree management work is undertaken in response to an emergency situation such as damage to council trees following a storm event or on verification of a reported dangerous tree.
- 4.16 BCBC receives many requests from the public to carry out works to trees that are considered as non-essential, that is management that isn't directly related to the condition safety issues and/ or nuisance in legal terms and which will result in the loss of this valuable resource. Works considered to be non-essential as detailed in the Tree Management Policy will not be undertaken.
- 4.17 The Tree Management Policy states that BCBC will aspire to lead by example at sites within its control by planting and where practicably possible will seek to encourage the planting of trees and woodland on sites not owned by BCBC.
- 4.18 Funding has been secured in partnership with Neath Port Talbot Council, Swansea Council, Natural Resources Wales (NRW) and Public Health Wales that will support BCBC to assess its estate and identify areas of greatest opportunity for tree planting, in particular where maintenance regimes are in place that will support the correct management of any new trees. Planting will consider the right tree in the right place with a preference to native species where possible. Additional tree presence will be considered through new planting, development mitigation, direct management and community involvement.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 The Council under Civil law has a duty to both visitors and trespassers to take reasonable care to ensure that they do not suffer injury on land and premises

owned by the Council. In respect of visitors there is a duty to ensure that they are reasonably safe in using the premises. In addition there is also a duty to trespassers to take reasonable care for their safety in respect of any risk of their suffering injury by reason of any danger due to the state of the premises. Any breach of these duties can give rise to a claim for damages against the Council.

- 5.2 There is also a liability in Criminal law under the Health and Safety at Work Act (1974) which places a duty on employers to ensure, so far as is reasonably practicable, that in the course of conducting their undertaking, employees and members of the public are not put at risk. Whilst the acts of felling or pruning a tree obviously fall under the act, the growing and management of trees on land also falls within the scope of this duty. The Management of Health and Safety at Work Regulation (1999) will also be applicable. Regulation 3 deals with risk assessments which would include carrying out risk assessments of tree stock. In relation to Highways, relevant Highways legislation applies.
- 5.3 The introduction of the Well-being of Future Generations (Wales) Act 2015, the Planning (Wales) Act 2015 and the Environment (Wales) Act 2016 has created a more interconnected policy context in relation to environmental preservation and enhancement.
- 5.4 The Well-being of Future Generations (Wales) Act 2015 requires public bodies to consider improving the social, economic, environmental and cultural well-being of Wales.
- 5.5 A new biodiversity duty included in the Environment (Wales) Act 2016 helps to reverse the decline and secure the long-term resilience of biodiversity in Wales. This enhances the Natural Environment and Rural Communities (NERC) Act 2006 duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”. To this end, on 24th April 2018, BCBC Cabinet approved the Bridgend County Borough Council Biodiversity and Ecosystems Resilience Forward Plan, 2018-2022.

6. Equality Impact Assessment

- 6.1. Screening has highlighted that no issues arise as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 Assessment

- 7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment template has been completed. A summary of the implications from the assessment relating to the five ways of working is below:
 - Long-term - The Tree Management Policy sets out an approach to the management of BCBC trees that responds to short term issues of health and safety matters associated with trees in a way that undertakes works to promote the long term health of trees. The Policy highlights that value that trees provide to the County Borough and proposes an approach towards planting of further tree stock for longer terms benefits.

- **Prevention** - The recent assessment of BCBC tree stock, outlined in the report, has highlighted the action required to undertake tree management works to assist in preventing issues arising as a result of the BCBC tree stock. An analysis on this scale and the proposed approach towards taking forward works in a co-ordinated way over the coming years represents a clear commitment towards a proactive and preventive approach.
- **Integration** - The value of trees has been researched and is detailed within the report. Undertaking the actions outlined in the report and the attached Tree Management Policy will enhance these values.
- **Collaboration** - A cross-Council project team has worked together to manage the work to date and develop the Tree Management Policy in recognition that the management of BCBC tree stock does not fall to a single department. Going forward, training will be provided to members to staff to increase the awareness of sustainable tree management.
- **Involvement** - The project team involved in undertaking the assessment work to date and developing the Tree Management Policy has been drawn from officers across Council departments and the future training proposed will be available for those with a direct responsibility for management of land holdings that contain tree stock, thereby widen the involvement in and understanding of tree management amongst BCBC staff. In undertaking tree management works, close partnership working with Natural Resources Wales will be required.

8. Financial Implications

- 8.1. A sum of £70,000 has been made available through an earmarked reserve to undertake parts (a), (b), (d) and (e) outlined in section 4.2. £21,355 was spent in 2017/2018 and a further £13,615 spent in 2018/2019. This leaves £35,030 available in the earmarked reserve.
- 8.2 Following inspections of tree stock in areas of very high or high occupancy a report was produced that identified a total sum IRO £240,000 is required to undertake Priority 1, 2, 3 and 4 management works. The £35,030 remaining in the earmarked reserve can be used towards this and the remaining £204,970 will be funded in the following way:

Directorate	Estimated sums
Education and Family Support	23%
Wellbeing	2%
Communities	44%
Operational and Partnership Services	0%
Corporate Contingency Fund	31%

These figures are indicative at this stage and subject to confirmation but set out broadly where at this point it is considered the costs may be incurred. As the works are undertaken they will be re-charged to the relevant land holding departments. The Corporate Contingency Contribution will be a maximum of £65,000. The process for recharging individual schools will be determined by the Corporate Director, Education and Family Support.

- 8.3 Following completion of the initial priority tree management works, all future tree assessments and works, whether proactive or reactive, will be procured via a new Framework Agreement. The responsibility for doing so and the associated costs will rest with the land holding department as relevant.
- 8.4 The costs associated with the training staff to Arboriculture National Qualification Framework (NQF) level 4 will be met from the directorates in which the members of staff are based, using existing budgets.
- 8.5 Funding has been secured through the Welsh Government Green Infrastructure Grant to undertake mapping and analysis of tree planting opportunity areas identified in 4.18.
- 8.6 Funding has been secured through the Single Revenue Grant, administered by Welsh Government, to fund the Tree Training Programme in 2018/2019 outlined in 4.6.

9. Recommendation

- 9.1. Cabinet recommended to:
- 9.2 Note the findings of the Valuing Urban Trees report
- 9.3 Note the progress made to establish a new approach towards the management of BCBC's existing trees and approve the approach towards tree planting
- 9.4 Approve the new Bridgend County Borough Council Tree Management Policy

Mark Shephard
Corporate Directorate, Communities
5 June 2018

Contact Officer: Ieuan Sherwood
Manager, Economy and Natural Resources

Telephone: (01656) 815334

E-mail: Ieuan.Sherwood@bridgend.gov.uk

Postal Address: Economy and Natural Resources
Communities Directorate
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents:

- British Standards Institution, BS 3998:2010 Tree work recommendations, 2010
- Cabinet Report, Bridgend County Borough Council Biodiversity and Ecosystems Resilience Forward Plan, 2018-2022, 24th April 2018
- Cabinet Report, Environment (Wales) Act 2016 – New Duties and Responsibilities, 29th November 2016
- Environment (Wales) Act, 2016
- Forest Research, Valuing the Urban Trees in Bridgend County Borough, 2015
- Health and Safety at Work Act, 1974
- Management of Safety at Work Regulations, 1999
- Natural Resources Wales, Town Tree Cover in Bridgend County Borough - Understanding canopy cover to better plan and manage our urban trees, 2013
- Natural Environment and Rural Communities Act, 2006
- Planning (Wales) Act, 2015
- Well-being of Future Generations (Wales) Act, 2015

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Bridgend County Borough Council Tree Management Policy

June 2018

1. Introduction

This Tree Management Policy has been produced to inform the public, Councillors, Bridgend County Borough Council (BCBC) staff and other parties when, why and how BCBC will manage its Trees and Woodlands.

This Policy will update BCBC's Corporate Policy to deal with complaints received in respect of trees on Council owned land. It will also incorporate BCBC's Health and Safety Management System Guidance register in respect of the management of trees.

2. Policy Scope

The aim of this Policy is to ensure that the Council is compliant with all relevant statutory legislation and current best practice guidance, regarding the management of trees and woodlands within the Bridgend County Borough area, set against the legislative context in appendix 1. This includes management of trees to reduce any associated hazards as well as taking into account the social, economic and environmental benefits that a healthy urban tree stock provides.

This Policy is purely for the management of trees and woodlands located on Council owned land. The management of trees located on land outside of the ownership of the Council is the responsibility of the relevant landholder. The Council may serve a Tree Preservation Order in respect of trees located on privately owned land. However, [Tree Preservation Orders](#) (TPOs) are only briefly discussed here as there is separate guidance relating to this process. The Council also has regulatory powers in relation to trees associated with development sites and there is a separate Supplementary Planning Guidance 7: [Trees and Development](#) which covers this issue.

This policy outlines a proactive tree survey system that identifies the issues of management and records the way in which BCBC owned trees are assessed and managed so that a realistic response to the issue of tree risk and management is given. This system is compliant with the Safety at Work Act (1974) and the Health and Safety Executive's (HSE) Management of the risk from falling trees. This policy identifies that a reasonably practicable approach be taken, which is proportionate to the risk. There will, however, always be a risk associated with trees. This risk can be managed and reduced by the implementation of a proactive inspection regime to help identify potential failures and safety issues with particular trees. There will however also always remain a need for reactive management.

The Policy has been developed to be used as a tool to provide an audit trail of actions taken in response to a potential risk, what the findings were and how these findings were acted upon. It is a systematic approach that can help to demonstrate that BCBC has dispensed its duty with 'reasonable care' and takes appropriate action as necessary to protect members of the public and employees.

The management of BCBC's tree stock falls to the holding department that has trees on its land. In order to ensure a consistent approach and to ensure compliance with the law, this Policy has been prepared and will be supported by a cross directorate working group.

3. Tree Management approach

BCBC is responsible for managing its tree stock to ensure the health of the trees and to minimise the risk posed to the public in terms of their health and safety. The Council owes a duty of care to owners, occupiers and users of adjacent land in respect of potentially dangerous trees in addition to users of its own land.

3.1 Proactive tree assessment

Cyclical assessment of the health and structural integrity of the trees must take place with appropriate remedial works being carried out where the need is identified within a given timeframe. The tree works must be in accordance with BS 3998:2010 – Tree Work Recommendations (2010) and other relevant and current industry good practice.

Relevant wildlife legislation is taken into account, primarily in relation to nesting birds and the potential for the presence of bats. BCBC's SPG 19 [*Biodiversity and Development a Green Infrastructure Approach*](#), includes detailed information on protected species, survey requirements and timing of works/surveys. Legislation relating to the management of trees within areas covered by protective designations, for example SSSIs, is also adhered to with assent sought from the relevant authorities where this is required.

The proactive tree surveys should be carried out by someone who is qualified in Arboriculture to a minimum of level 4 National Qualification Framework (NQF) or higher.

The appointed person will prepare a tree risk assessment protocol for the assessment based on a zoned approach as suggested by the Health and Safety Executive's Management of the risk from falling trees or branches. The protocol should be easily understood for staff with limited or no formal arboricultural qualifications to undertake additional cyclical surveying on top of the cyclical pro-active surveying undertaken by the qualified arborist. The protocol should set out a process of what to do if a tree appears to be in a damaged or diseased condition.

In addition, the appointed person will attach tags to trees that are considered to be of a significant risk and require felling or remedial work which may include monitoring and prepare a work programme on a priority basis with estimated operational times given.

In-house training will provide some level of confidence for relevant site responsible officers/ Premises Responsible Persons (PRPs) to undertake

initial tree condition assessment work, which is supported by BCBC's tree protocol and checklist.

However, when staff require advice or recommend that the tree is inspected in detail, then the level of competence will have to be commensurate with the task involved and this will be procured by the relevant land holding department. Therefore, as there is no such in-house resource, BCBC will need to procure an arboricultural consultant periodically or until this resource exists internally.

A risk zone map has been developed to provide BCBC wide graphical representation of the inspection regime based on the target and occupancy descriptions.

This aims to minimise the risk of trees causing injury or damage by adopting an approach towards inspection frequency based on target and occupancy. Target rating is used in an attempt to consider how likely a mobile or stationary target will be present, at any one moment in time, within proximity to the tree under investigation. This is initially a desktop assessment which must be reviewed (groundtruthed) as cyclical tree condition surveys progress. This is based on broad site usage types and estimated site usage. Details on the categorisation approach are outlined below.

Target & Occupancy	Description	Minimum Inspection Regime
Risk Zone 1. Very High Target Occupancy (Constant use)	Where persons are present at all times. A class roads, dual carriageways or motorways and residential properties where vehicles or persons are expected during any time day or night. This includes schools and play areas which may not be occupied 24 hours but involves the presence of children.	Inspected every year and reactively.
Risk Zone 2. High Target Occupancy (Frequent use)	Target not present for 24 hours but frequently used site i.e. town centre car parks, offices operating normal working hours,	Inspected every 2 years and reactively.

	excluding weekends, access roadways	
Risk Zone 3. Medium Target Occupancy (Intermittent use)	Target not present for any length of time i.e. low use car parks, footpaths in countryside, cemeteries, community hall, sports grounds, parkland - open during normal working hours and access roadways.	Inspected every 3 years and reactively.
Risk Zone 5. Low Target Occupancy (occasional use)	Infrequently used footpaths, isolated car parks, desire lines (permissive and non- permissive paths) through woodlands, outer green open spaces without particular features, desire lines such as picnic benches and difficult to access areas due to undergrowth, perhaps the occasional jogger or cyclist could be expected.	Inspected every 3-5 years and reactively.
Risk Zone 10. Very Low Target Occupancy (very low use)	Often rural locations such as the outmost edges of large open spaces/reclamation sites and / or with young/small trees.	Inspected every 10 years and reactively

As a result of this it is proposed that schools, playgrounds and 'A' roads are inspected every year due to the high target occupancy of these locations,

whereas trees in remote areas will have a low target occupancy and therefore a less regular inspection cycle.

Whilst risk zone mapping allows the establishment of priority areas for inspection, an assessment of the potential for an individual tree to fail needs to be carried out. The tree condition assessment will quantify the level of risk posed to public safety. Linked to the risk zone mapping, this system is also target led to determine the likelihood of harm or damage occurring from a specific tree.

The hazard or risk assessment is determined through the consideration of three issues:

- Target: how frequently people use the area, are they likely to be static or mobile and what the probability would be of someone being injured as a result of failure
- Potential for failure considers, at the time of a tree survey inspection, the characteristics of tree most likely to fail based on the environment in which it grows, structural and physiological defects
- Size of failure part, rates the size of the part most likely to fail which in turn affects the severity of the potential hazard and therefore risk posed

Tree inspections will report any defects or work requirements utilising a digital tree management system. Each work requirement added to the system is given a priority which is based on the identified hazard, its likelihood of failure, size of part likely to fail and target occupancy.

3.2 *Proactive tree management works*

Work priorities will be defined as follows:

- Urgent work is undertaken within 24hrs (instances of urgent work are rare and relate to emergency situations)
- Priority 1 work should be undertaken as soon as practically possible
- Priority 2 work should be undertaken within 6 months
- Priority 3 work is undertaken within 12 months of the survey date

A procurement process will establish a framework of contractors and produce a call off list and procedure. Once established each land holding department will use the call off list to undertake any necessary works identified following qualified assessment.

BCBC will aspire to lead by example at sites within its control by replanting where practicably possible and will seek to encourage the planting of trees and woodland on sites not owned by BCBC. Planting will consider the right tree in the right place with a preference to native and large sized species where possible.

Additional tree presence will be considered through the following ways:

- New Planting: Of appropriate tree species on existing Public Open Spaces, Strategic Corridors and gateway sites across the County, funded through planting contribution and other external grant sources
- Development Mitigation: tree loss through development will continue to be mitigated not only through like for like replacement, but also in seeking additional planting compensation or other tree management, where feasible
- Direct Management: to maintain the tree stock balance by actively managing BCBC's own tree stock
- Community Involvement: working with established community groups to plant new trees

3.3 Reactive tree assessment and works

Initial surveys should take place by site responsible officers/ PRPs following severe weather conditions such as high winds or prolonged periods of precipitation which may have resulted in stability issues relating to saturated or waterlogged soils, root heave or wind damaged crowns.

In trees where there are signs of progressive disorders such as Phytophthora bleeding canker or ash die back then they should be inspected as part of the proactive survey and where feasible at the point of the year in which the symptoms are most likely to be evident. Such trees may be placed on a monitoring regime recorded on the Council's Compliance Monitoring System Information Exchange (IE) where re-inspections are required on a defined cyclical basis.

With specific reference to ash die back, the [Bridgend i-Tree survey](#) found that 14.9% of Bridgend urban tree stock comprises ash and ash die back is present at a number of location within the County Borough.

Reactive tree management work is undertaken in response to an emergency situation such as damage to council trees following a storm event or on verification of a reported dangerous tree - it should be noted that the proactive tree survey is aimed at significantly reducing the instances of dangerous trees occurring within the Borough and the need for urgent works. Reactive works will not be undertaken unless a nuisance in legal terms is present. A failure log will be maintained to record where tree failures occur, the reason for failure when known and the result of the tree failure. This information will help to inform the estimation of real risk levels and over time, will produce patterns providing base data about potential tree failure and possible preventative or corrective actions.

3.4 Trees in relation to Highways

There is potential for conflict between the presence of trees and the safe use of the public highway. The Highways Act 1980 (amended 1986) is relevant to both BCBC owned trees and those in private ownership that have the potential to affect the adopted highway.

Various sections of the Highway Act impose duties on owners and occupiers of land to ensure that the highway, including footways and associated infrastructure, is maintained in a safe and appropriate manner. Examples of vegetation works imposed by the Highway Act include, but are not limited to, the following:

- Pruning to provide between 5.4m – 6.1m vertical clearance above a highway
- Pruning to provide 2.4m vertical clearance above a footway
- Pruning to allow sufficient light spread from a lamp column or fixture
- Pruning to remove dangerous vegetation
- Pruning to allow prescribed vision splays at road junctions
- Pruning to allow the safe passage of pedestrians

BCBC will endeavour to carry out all works required by the Act on BCBC owned land within 14 days of the works being identified. In some cases, this may not be achievable due to availability of staff or access requirements.

BCBC will carry out emergency Highways tree works on non-BCBC owned land to make safe any tree or trees that have failed in part or wholly that affect the highway network. The cost of which may be recharged back to the landowner or a charge placed on the land if the owner cannot be identified.

3.5 *Tree Preservation Orders (TPOs) on Council Owned Trees*

A number of trees on BCBC owned land are subject to TPOs. However, the Council is a responsible body with a statutory duty to protect and conserve trees. TPOs are served onto landowners where trees are located on private land only when there is a potential or actual risk of the trees being lost or damaged i.e. expedient and they are within the public realm. There is separate guidance associated with this process which details when and how a TPO will be served.

3.6 *Trees on Council owned development land*

Trees which are part of a development site or subject to planning applications and which are on land owned and managed by the Council, will be subject to the same requirements as those located on privately owned sites. It will be expected that the trees are considered as part of the project as a Statutory requirement under the Town & Country Planning Act – 1990, as defined within the guidance provided in BCBC's Supplementary Planning Guidance: Trees and Developments.

3.7 *Refusing requests to undertake tree management works*

BCBC receives many requests from the public to carry out works to trees that are considered as non-essential, that is management that isn't directly related to the condition safety issues and/ or nuisance in legal terms and which will result in the loss of this valuable urban resource. Works considered to be non-essential will not be undertaken, this is in accordance with legislation which promotes retaining trees and canopy cover within BCBC's urban landscape for health, social and biodiversity reasons. This also ensures that Council funds are directed to prioritised works associated with its proactive tree survey program. The nature of the most frequent, non-essential requests which will not be undertaken, are outlined below, these are:

- **Cosmetic reasons or appearance** - This is unnecessary, costly and may adversely affect the long-term health and structural integrity of trees.
- **Loss of light / shading** – There is no statutory or common law right to light in the UK therefore BCBC will not carry out tree works to allow natural light or reduce shading in relation to domestic property. However, where two or more evergreen or semi-evergreen trees are planted in a line with the potential to be considered as a hedge, then Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges Regulations) may be relevant.
- **Installation of Solar Panels** – The fact that there is no statutory or common law right to light in the UK also impacts upon the use of solar panels.
- **Loss or disruption in relation to TV or Satellite signal** – The purchase of a TV licence or subscription to a service provider, provides the purchaser with the right to operate the equipment that receives any available signal. However, there is no legal right to TV / satellite signal in the UK. Guidance should be sought from the service provider with regard to negating issues relating to reception.
- **Loss of views** - There is no right to a scenic view un-obscured by trees in the UK. BCBC will not carry out tree works solely to improve views to and from domestic or commercial premises. This includes areas where views may have previously existed. BCBC do reserve the right to remove its own trees if considered and can be evidenced that this will be for the benefit of public landscape and visual amenity.
- **Shedding of leaves, fruits and debris** - Reasonable debris such as leaves, fruits, nuts, flowers, residues, minor deadwood, and naturally occurring by-products of the trees life processes, must be expected where trees occur. BCBC will therefore not carry out tree works in relation to negating such matters.
- **Branches overhanging adjoining land** - BCBC has no duty to prune overhanging branches except where they are in direct, or potential conflict with an adjacent built structure (legal nuisance). The owner or occupier of adjacent land does have a common law right to cut back overhanging branches to their boundary line. Anyone wishing to enact their common law right in relation to council owned trees is encouraged to liaise with the local authority. This is to ensure that works do not compromise the health of the tree or breach protective designations.

- **Perceived risk due to ‘tall’ or ‘swaying’ trees close to properties –**
The proactive tree survey programme is designed to pick up on dangerous trees located close to high risk areas such as property or highways.

This list is not exhaustive and BCBC reserves the right to refuse requests to undertake tree management works for other reasons as it considers appropriate. The policy will need to be flexible with each case being assessed on its own merits and according to the financial budgets available.

Appendix 1 - Legislative context

Under Civil law a duty is owed to trespassers by a person as occupier of premises to persons in respect of any risk of their suffering injury on the premises by reason of any danger due to the state of the premises or to things done or omitted to be done on them this gives rise to potential damages claims in the event of a breach of such duties. The duty in respect to visitors is the common duty of care which is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there.

There is also a liability in Criminal law under the The Health and Safety at Work Act (1974) which places a duty on employers to ensure, so far as is reasonably practicable, that in the course of conducting their undertaking, employees and members of the public are not put at risk. Whilst the acts of felling or pruning a tree obviously fall under the act, the growing and management of trees on land also falls within the scope of this duty. The Management of Health and Safety at Work Regulation (1999) will also be applicable. Regulation 3 deals with risk assessments which would include carrying out risk assessments of tree stock. In relation to Highways, relevant Highways legislation applies.

The introduction of the Well-being of Future Generations (Wales) Act 2015, the Planning (Wales) Act 2015 and the Environment (Wales) Act 2016 has created a more interconnected policy context in relation to environmental preservation and enhancement.

The Well-being of Future Generations (Wales) Act 2015 requires public bodies to consider improving the social, economic, environmental and cultural well-being of Wales.

A new biodiversity duty included in the Environment (Wales) Act 2016 helps to reverse the decline and secure the long-term resilience of biodiversity in Wales. This enhances the Natural Environment and Rural Communities (NERC) Act 2006 duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”. To this end, on 24th April 2018, BCBC Cabinet approved the Bridgend County Borough Council Biodiversity and Ecosystems Resilience Forward Plan, 2018-2022.

The i-Tree research identified the following examples of the value of Bridgend County’s Urban trees:

- Surface water particularly in storm events can result in damage to property. Trees can ameliorate this problem by intercepting rainwater. Bridgend County’s urban trees intercept an estimated 123,727,000 litres of water per year, equivalent to approximately 360 times the size of Pencoed or Pyle’s public swimming pools. In addition to contributing

to flood prevention and based on the standard local rate charged for sewerage, the presence of trees saves £163,790 in sewerage charges avoided in Bridgend County Borough.

- Air pollution leads to a decline in human health, a reduction in the quality of ecosystems and it can damage buildings through the formation of acid rain. It is estimated that 61.2 tonnes of airborne pollutants per year are removed by Bridgend County Borough's urban forest, including NO₂, O₃, SO₂, CO, PM₁₀ and PM_{2.5}. O₃ and NO₂ were the pollutants removed in the highest volume by trees. Using the UK system, which only includes three pollutants, £325,991 worth of pollutants are removed from the atmosphere each year. Using the US valuation system, £629,836 worth of pollutants is removed by urban trees in Bridgend County Borough.
- It is estimated that Bridgend County's urban trees store a total of 53,500 tonnes of carbon in their wood. This is equivalent to 69% of the annual carbon emissions produced by Bridgend County's households. Alternatively, this is the equivalent of the annual CO₂ emissions of 98,500 cars. Based on the central scenario for non-traded carbon, it is estimated that the carbon in the current urban tree stock is worth £12.1 million.

Bridgend County's urban forest sequesters 2,079 tonnes of carbon per year (0.5 t/Ha); this amount of carbon is estimated to be worth £461,400. The net annual sequestration rate is equivalent to the annual emissions from 3,700 automobiles (5% of the number of cars in Bridgend County Borough), or 1,500 family homes (2.5% of Bridgend County Borough's total estimated households).

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

PROVISION OF PUBLIC CONVENIENCES

1. Purpose of Report.

- 1.1 To seek Cabinet approval on the future provision of public conveniences across the County Borough as set out below in the body of the report.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 One of the outcomes of the 2016-2020 Corporate Plan (reviewed 2017-2018) is that Bridgend County Borough is a great place to live, work and visit; and that 'our communities are clean and safe.'
- 2.2 As part of the Council's approved Medium Term Financial Strategy 2018-19 to 2021-22 (MTFS) potential savings have been identified against the budget for the provision of Council owned and operated public toilets as a part of the Communities Directorate's response to balancing its financial allocation with the level of service provision while taking into consideration the priorities detailed in the Corporate Plan under:-
- Priority 2 – (helping people become more self-reliant); taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
 - Priority 3 – (smarter use of resources) Ensuring that all its resources(financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background.

- 3.1 As part of the Council's response to year-on-year reductions in Welsh Government Funding, measures to achieve savings against the provision of public toilets across the County Borough have been included in the Council's MTFS. In order to achieve these savings it will be necessary to review the provision and operation of toilet facilities currently operated by the Council.
- 3.2 In 2015 the Council consulted the public on the provision of public conveniences and as a result the number of toilets in our town centres was reduced from nine to six and male only urinals across the County Borough were de-commissioned.
- 3.3 In future it will also be necessary to review the provision of Public Conveniences following the enactment of The Public Health (Wales) Act 2017 – Local Toilets Strategies. Part 8 of the Public Health (Wales) Act requires local authorities in

Wales to prepare and publish local toilets strategies, under regulations shortly to be published by the Welsh Government.

- 3.4 In seeking to inform any future decision that Cabinet may take on the provision of public toilets across the County Borough, Cabinet approved at its meeting on 3rd October 2017 a formal public consultation. This consultation was focused on gaining the views of the public, Town and Community Councils, citizen's panel, disabled groups and organisations along with any other identified groups or individuals with an interest in the provision of public toilets.
- 3.5 The main outcomes of this consultation are set out below for Members' consideration. These findings will need to be balanced against the savings target identified in the MTFS of £100,000 for financial year 2018/19.

4. Current Situation

- 4.1 Public toilet locations and their opening hours are set out for Cabinet in the table below. Currently the Council provides six public toilets, one in Maesteg, two in Bridgend, and three in Porthcawl. These are comparable to other town centres, for example Pontypridd has two public conveniences in the town and Neath has only one. The Council also operates a comfort scheme with businesses across the county borough.

Public Toilet Locations and Opening Hours

Location	Opening/closing
Maesteg Bus Station	All Year 09.00 – 18.00 Mon-Sat Sun - Closed
Bus station Bridgend	All Year 08.30 – 19.00 Mon – Sat 08.30 – 17.30 Sun
Cheapside Bridgend	09.00 – 18.30 Mon – Sat 08.00 – 17.00 Sun
John Street Porthcawl	Winter 09.00 – 18.00 Mon – Sat 10.00 – 18.00 Sun Summer 09.00 – 20.00 Mon – Fri 09.00 – 18.00 Sat - Sun
Griffin Park Porthcawl	Winter 09.30 – 17.30 Mon – Sat 10.30 – 17.30 Sun Summer 09.30 – 19.30 Mon – Fri 09.30 – 17.30 Sat - Sun
Rest Bay, Porthcawl	Winter 08.30 – 15.30 Summer 08.30 – 18.00

- 4.2 A public Consultation survey based on Bridgend County Borough Council's public conveniences was conducted over an eight week period between 7th February 2018 and the 4th April 2018. A survey was available to complete online on the consultation pages of the council's website. Paper copies were made available at local libraries and Bridgend and Maesteg bus stations. Residents could also request a paper copy (Welsh, English or accessible).
- 4.3 In total, there were twenty-one questions which required a reply from respondents; all other questions in the survey were optional. All survey responses offered the option of anonymity. The council's standard set of equalities monitoring questions were also included with the survey, as is recommended good practice for all public facing surveys carried out by the council.
- 4.4 The consultation team attended two meetings: Bridgend Shout and the Bridgend Coalition of Disabled People, and paper copies of the consultation were provided at both meetings. The content of the consultation remains available online in closed consultations.
- 4.5 Comments regarding the consultation were also invited via letter, email and phone call and via the council's Facebook and Twitter accounts.
- 4.6 Details of the consultation were sent to local media outlets via a press release. The consultation featured on Wales Online on 8th February 2018 and the local Gem on 15th February 2018. The consultation was also featured in the February 2018 issue of the Seaside News. All information was made available on the Bridgend County Borough Council website via the consultation webpages.
- 4.7 In total, there were 1,137 interactions, representing one per cent of the Bridgend County Borough population.
- 4.8 48% of responses were received from females and 20% from males. 31% of respondents did not provide a response to this question and 1% selected prefer not to say.
- 4.9 The majority of respondents (20%) were aged between 55 and 64, followed by 18% aged 45 to 54, closely followed by those aged 65 to 74 (17.8%). In total the group aged 55 or over made up 46% of respondents.
- 4.10 The type of disability respondents reported were mainly a long standing illness or health condition (28%), physical impairment (21%) or mental health condition (16%).
- 4.11 95% of those responding to the consultation supported the continued provision of public convenience facilities within the town centres and believed two facilities should be provided within each town centre which should be fully attended.
- 4.12 93% of respondents utilise public toilets within the town centres, the Porthcawl area (49%) and Bridgend town centre (43%) being the most popular location. John Street and Bridgend Bus Station were indicated as the most popular toilets, with the majority of respondents (60%) utilising them on a weekly basis.

- 4.13 Respondents believed John Street (77%) was the most needed convenience within the Porthcawl area.
- 4.14 Bridgend Bus Station was the most popular (89%) convenience within Bridgend town centre.
- 4.15 54% of respondents were prepared to pay to use public toilets. The majority (52%) would be prepared to pay 20p to use the public convenience.
- 4.16 A large proportion of respondents (62%) were not aware of the comfort scheme but thought it was a good idea and the council should promote the scheme more widely to the public and businesses.
- 4.17 54% of respondents said 'yes' if the comfort scheme expanded to include more premises, they would be comfortable using a business such as cafes/bars as an alternative to council operated public toilets. However the majority (74%) of respondents also indicated they would not support the closure of public conveniences and replacement with the comfort scheme as an alternative facility within town centres.
- 4.18 From 33% of the total responses received, 19% of this figure believed 'the impact on disabled/ older generation with health issues was a concern'; 16% highlighted the impact on tourism primarily in Porthcawl area and 13% raised accessibility issues.
- 4.19 Full details of the public consultation and its findings are attached for consideration by Cabinet at **Appendix A**.
- 4.20 Members will be aware that the transfer of public toilets to Town and Community Councils forms part of the Councils current objective under its Community Asset Transfer (CAT) programme. This work remains a priority and discussions with Town and Community Councils on the transfer of public toilets are ongoing.
- 4.21 Set out below are details of current planned public convenience provision and operating arrangements for Council operated public toilets in Maesteg, Bridgend and Porthcawl with recommendations for Cabinets consideration. Discussions and correspondence with regards to the provision toilets is ongoing with the Town Councils and of note Bridgend Town Council is considering the provision of a number of alternative additional facilities within the town.

Public Toilet Planned Operational Arrangements

- **Maesteg Bus Station**

As part of the redevelopment plans for Maesteg Town Hall in the medium term, the existing public toilets adjacent to the bus station will close and be replaced by new public toilets within the redeveloped Town Hall. These facilities would be operated and cost borne by Awen, available for public use during Town Hall opening times.

In the short term prior to the new facilities being provided by Awen it is recommended that in preference, if Maesteg Town Council are willing to take on the responsibility for maintaining the facility, this is undertaken. However should

Maesteg Town Council not wish to do so, that as a short term measure, the toilets at this location would be closed and local businesses should be approached and offered the opportunity to participate in the Council's Comfort scheme.

While 54% of respondents would be comfortable using a business such as cafes/bars as an alternative to council operated public toilets 74% of respondents also indicated they would not support the replacement of public toilets with the comfort scheme as an alternative facility within town centres. Notwithstanding this, Cabinet will need to balance the Council's current financial position with the views of the public and its ability to continue to fund and provide public toilets in its town centres, when balanced against other competing demands for public services.

- **Bus station Bridgend**

These toilets are well used and in a reasonable state of repair out of all of the public convenience facilities, given the high footfall in users of the station. These toilets potentially could best support conversion to pay to use, with the public paying a nominal charge.

Based on the outcome of the public consultation exercise 54% of respondents were prepared to pay to use public toilets with a majority (52%) being prepared to pay 20p. Following careful discussion and consideration of the consultation with Scrutiny and Cabinet members it is considered important that Card payments method be available should pay systems be introduced. However it is recommended that in order to facilitate the benefit of the card payment system, the charge of 50p per use would be reasonable and needed to offset the additional costs of the card systems. Many different charge rates are in place in the UK Public Conveniences with charges of £1 per use being commonplace. The costs of installing pay to use equipment at this facility will need to be investigated further along with appropriate measures to ensure that disabled access to the toilets is not compromised in any way. Dependant on the identification of a suitable system this would be the recommended resolution for this location.

Following identification of a suitable system a further decision and subsequent approvals will be required with regards to which budget would be utilised (capital or revenue) to fund the equipment on a invest to save basis.

- **Cheapside Bridgend**

Discussions are currently ongoing with the land owner of the adjoining precinct for the re-development of this area. The public toilets at this location could be transferred as part of these discussions and either incorporated into any future development or removed completely. In the event that this outcome does not materialise the toilets at this location would be recommended for closure (These toilets are in poor condition, often used for antisocial activities and with ASDA in the vicinity with available pristine customer toilets, considered non-essential). In their place local businesses should be approached and offered the opportunity to participate in the Council's Comfort Scheme.

- **John Street Porthcawl**

The public toilet in John Street is a Grade 2 listed building. The preferred solution for the ongoing provision of these facilities would be for Porthcawl Town Council to receive these toilets under the Council's Community Asset Transfer Programme. Should Porthcawl Town Council not agree to operate and run the toilets, the toilets would be closed to meet the objectives of the Council's MTFS. As an alternative and as for Cheapside public toilets, local businesses should be approached and offered the opportunity to participate in the Council's Comfort scheme

- **Griffin Park Porthcawl**

Discussions are currently ongoing with Porthcawl Town Council to transfer these toilets under the Council's Community Asset Transfer Programme. These discussions are progressing well, though some technical questions have been raised by Porthcawl Town Council regarding the structure of the building. While transfer of the facility is not guaranteed, it is hoped that in the near future Porthcawl Town Council will assume responsibility for the maintenance and upkeep of this toilet. Should these discussions fail, the toilets would be closed to meet the objectives of the MTFS. As an alternative and, as for Cheapside public toilets, local businesses should be approached and offered the opportunity to participate in the Council's Comfort scheme

- **Rest Bay, Porthcawl**

Rest Bay public toilets are currently being redeveloped. The future maintenance and operation of these toilets will be incorporated into the lease for the operation and running of the attached cafe and associated services. The recommendation would be that the new toilets would also be designed as pay as you use facilities.

4.22 A draft of the above recommendations has been shared and discussed and subsequently updated further to a meeting with Scrutiny members, officers and the Cabinet member for Communities. The following observations were made by Scrutiny members:

- Due to the public need for public conveniences, Members were pleased to hear of the proposed future alternative plans for public conveniences.
- Members strongly supported introducing charging for the use of public conveniences and made the following comments in relation to it:
 - Payments should be accepted by cash and card
 - Thought needs to be given to what entry system to introduce and Members request to be included in the consultation of the method before the Council progress with implementation
 - A Corporate contingency should be allocated to this spend as there is a possibility that the revenue from the charges will not match the expenditure
- Members supported the discussed proposal of the public conveniences in Rest Bay be included in design of new sports centre and further encourage the new leaseholder to assume responsibility for the cost of the toilets and ongoing associated charges.
- Members were pleased to hear of the proposed plan for the public conveniences in Maesteg to be incorporated into the town hall development.

- Members encourage the involvement of Town and Community Council's as most have the capability and financial capacity to take ownership of public conveniences in the Borough either by themselves or via an external company.
- Members highlighted the need to publicise the premises involved in the Comfort Scheme.
- Although it was stated that the public conveniences at Cheapside were no longer fit for purpose and should be demolished.
- Members state that the toilets found in the reception area of the Civic Offices should be signposted for use by the public.

Officers were in agreement with the observations of Scrutiny members which were aligned with the recommendations presented. On the usage of both cash and card payment systems it was highlighted that the costs of card systems (both installation and transaction costs) would have to be investigated further as the costs may largely negate the usage charge, and if so that option may need to be discounted from further consideration albeit it is expected that at the 50p charge rate the card option will be viable).

5. Effect upon Policy Framework & Procedure Rules.

5.1.1 This report has no effect on Policy Framework and Procedural Rules.

6. Equality Impact Assessment

6.1 An Equalities Impact Assessment has been carried out and is attached in **Appendix C**.

7. Well-being of Future Generations (Wales) Act 2015 Assessment

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working and any requisite mitigating measures have been set out in **Appendix B**.

8. Financial Implications.

8.1 The findings of this report need to balance against the savings target identified in the MTFs of £100,000 for financial year 2018/19. Sufficient time should be allowed for the discussions attached to the transfer of the toilets as detailed in the report to take place. This may mean that not all of the savings identified within the 2018/19 financial year will be achieved in year. In this event the communities directorate will endeavour to mitigate by identifying savings to compensate from elsewhere.

9. Recommendations.

9.1 Cabinet is recommended to approve the proposed course of action detailed in the report, specifically the actions presented in section 4.21 of the report.

9.2 Cabinet is recommended to approve the signposting of the toilets in the reception of the Civic Offices for use by the public (to be funded via the streetscene revenue budget), as recommended by Scrutiny members in section 4.22 of the report.

Mark Shephard
Corporate Director - Communities
June 2018

Contact Officer: Andrew Hobbs
Group Manager – Streetworks
Telephone: (01656) 643416
E-mail: andrew.hobbs@bridgend.gov.uk
Postal Address Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Public conveniences

Consultation report

Date of issue: 23 April 2018

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1. Overview

In 2015 we had a consultation on reviewing our public conveniences and as a result the number of toilets in our town centres was reduced from nine to six and urinals were de-commissioned.

It was agreed at a Cabinet meeting on 3 October 2017 that the council would undertake a further review of the public toilets service as part of its Medium Term Financial Strategy (MTFS) and as part of this the council wanted to have the views on a range of issues relating to the continued provision of this service from service users.

The council currently operates six public conveniences which also offer disabled facilities. The toilets are staffed by four toilet attendants who work on a rota system to open, close, and clean the toilets.

Bridgend town centre has two public conveniences, Porthcawl town centre has three and Maesteg has one. These are comparable to other town centres where Pontypridd had two public conveniences in the town and Neath has only one.

The council also operates a comfort scheme with businesses across the county borough.

2. Introduction

A public survey based on Bridgend County Borough Council's public conveniences was conducted over an eight week period between 7 February 2018 and the 4 April 2018. The survey was available to complete online on the consultation pages of the council's website. Paper copies were made available at local libraries and Bridgend and Maesteg bus stations. Residents could also request a paper copy (Welsh, English or accessible).

In total, there were twenty-one questions which required a reply from respondents; all other questions in the survey were optional. All survey responses offered the option of anonymity. The council's standard set of equalities monitoring questions were also included with the survey, as is recommended good practice for all public facing surveys carried out by the council.

The consultation team attended two meetings: Bridgend Shout and the Bridgend Coalition of Disabled People, paper copies of the consultation were provided at both meetings. The content of the consultation remains available online in closed consultations.

Comments regarding the consultation were also invited via letter, email and phone call.

3. Promotional tools and engagement methods

The following sections breakdown the communications and engagement methods used to reach people and encourage participation.

3.1 Social media

Facebook and Twitter have widely been used to promote the consultation.

Information was posted to the council's corporate Twitter and Facebook accounts throughout the consultation period to raise awareness of the consultation and to encourage citizens to share their views on the proposals. The council currently has 10,304 followers on its corporate Twitter

accounts and 10,577 on Facebook. During the period, the authority 'tweeted' 22 times and the information was seen 19,093 times. Two posts were made to the council's Facebook page, which were seen 28,241 times.

Facebook adverts were placed during the consultation period to raise awareness of the consultation and to encourage citizens to share their views on the proposals. The adverts were seen 29,486 times, generating 672 clicks through to the consultation webpages.

3.2 Local press

Details of the consultation were sent to local media outlets via a press release.

The consultation featured on Wales Online on 8 February 2018 and the local Gem on 15 February. The consultation was also featured in the February issue of the Seaside News.

All information was made available on the Bridgend County Borough Council website via the consultation webpages.

3.3 The public convenience survey

The online and paper surveys contained twenty-one questions which required a reply from respondents; all other questions in the survey were optional.

The survey was available on the council's website and was sent to all 1,686 members of the Citizens' Panel.

Additionally this was sent to 126 respondents who took part in the public convenience survey in 2015 and who had asked to be kept up to date with future consultation activity. It was also sent to a further 442 respondents who have completed similar surveys and have asked to receive key surveys in the future.

3.4 Community engagement

Details about the consultation were sent to local groups and organisations. We had a request from SHOUT in response to this and as a result the consultation team and service area attended one of their meetings on 21 March 2018. 20 people attended the meeting, and all attendees completed paper copies of the consultation.

Bridgend Coalition of Disabled People had invited officers from the council to speak to members about the 'Supported Bus Service Consultation' that was live at the same time as the Public conveniences consultation, as part of their regular group meeting. This was therefore used as an opportunity inform members of the 'public convenience consultation' where attendees were given the opportunity to complete the survey. 15 members of the coalition attended the meeting, in total 14 completed the public conveniences survey.

Members of the transport service area and consultation team attended the Your Bus Matters event held in Bridgend bus station on 13 March 2018. The aim of this event was for service providers to gain feedback directly from the public. The consultation team used this opportunity to also inform passers-by of the Public conveniences survey and offered paper surveys or informed people of the online survey if this was their preferred method of engagement.

3.5 Posters

Posters promoting the consultation were placed in all local public conveniences. Posters were circulated to the library service for use in their 12 branches and at Bridgend and Maesteg bus stations.

4. Response rate

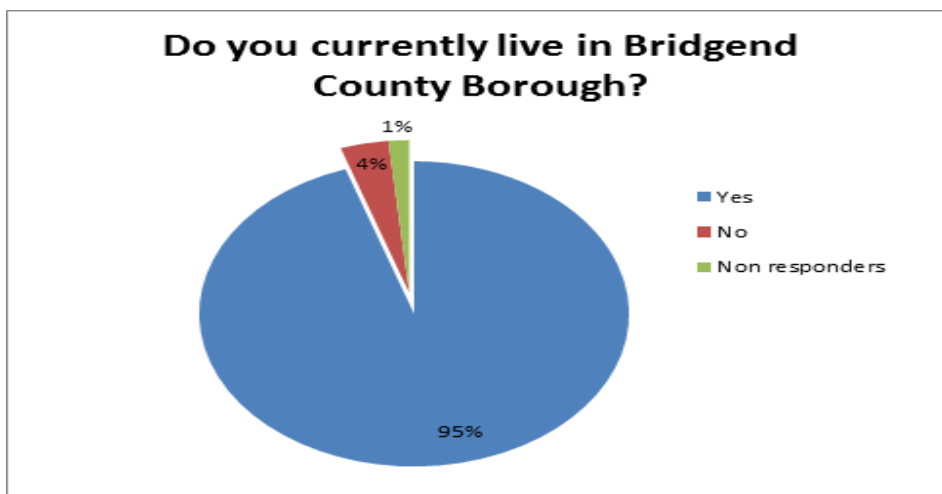
In total, there were 1137 interactions, representing one per cent of the Bridgend County Borough population. The response rate has been divided into several areas including: consultation survey responses, emails, letters, phone calls and social media interactions.

Method	Detail	#
Consultation responses	Paper responses	134
	Online responses	775
Interactions	Email	6
	Letter	1
	Facebook	209
	Twitter	11
	Instagram	0
	Phone	1
Total		1137

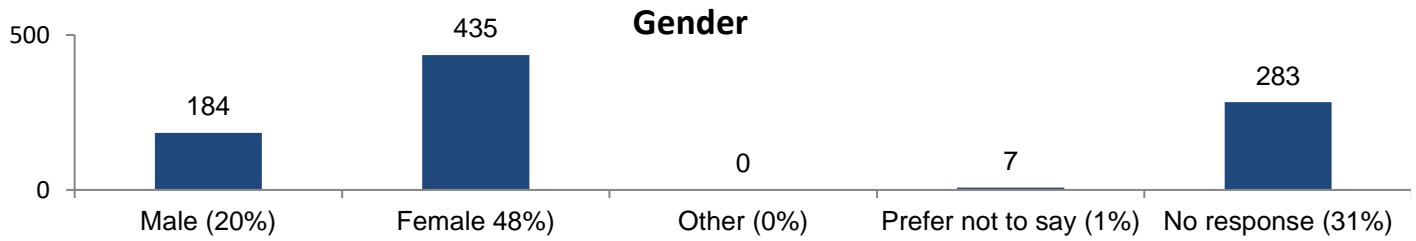
5. How effective was the consultation?

The public conveniences consultation was conducted over an eight week period in which a range of marketing methods were used to create awareness of the consultation and encourage members of the public to engage with the council.

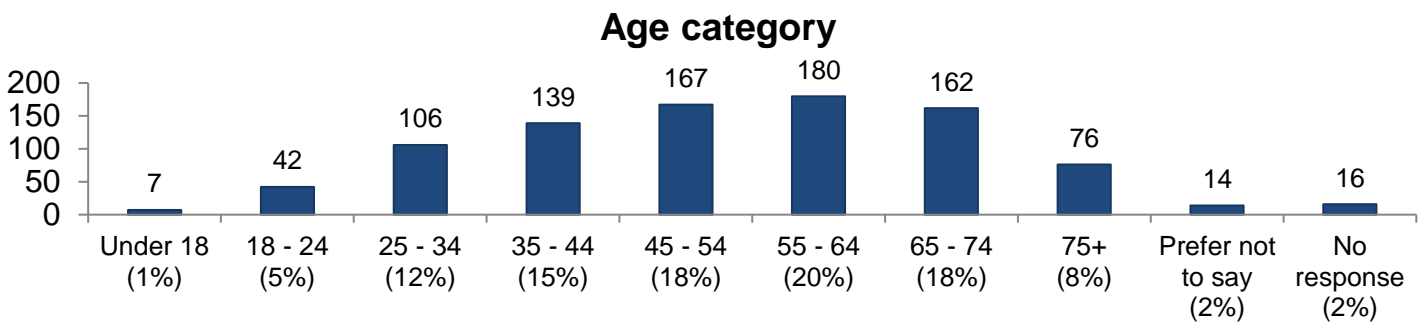
The social demographic data reflects a good cross section of the county borough's population (862 respondents lived in Bridgend County Borough, 33 outside the area 14 did not provide a response to this question).



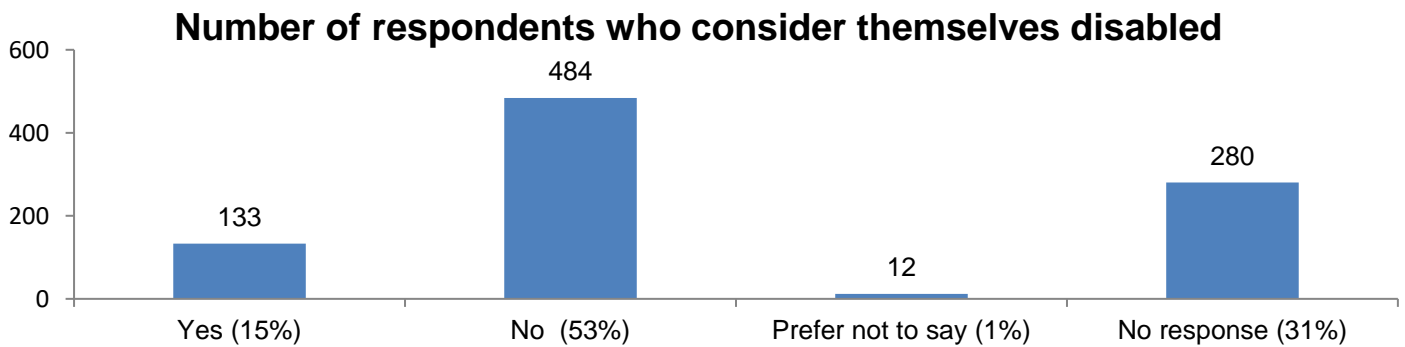
48% of responses were received from females and 20% from males. 31% of respondents did not provide a response to this question and 1% selected prefer not to say.



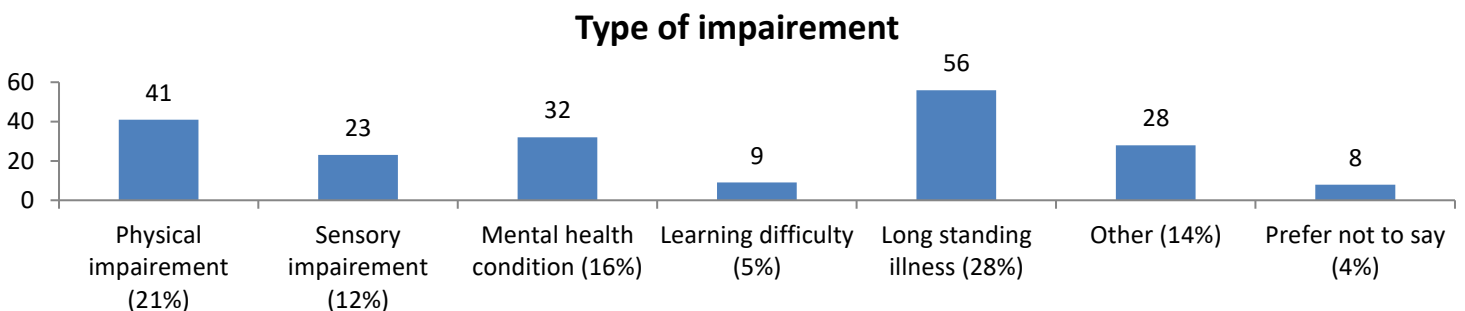
The majority of respondents (20%) were aged between 55 and 64, followed by 18% aged 45 to 54, closely followed by those aged 65 to 74 (17.8%). In total the group aged 55 or over made up 46% of respondents.



15% of respondents stated in the survey that they had a disability. 31% of respondents however did not answer this question.



The type of disability respondents reported were mainly long standing illness or health condition (28%), physical impairment (21%) or mental health condition (16%)



The data collection methods, which include the online survey, a paper survey and an accessible survey, were all developed using plain English to maximise understanding. These response methods were designed to give a consistency to the survey across multiple platforms.

6. Headline figures

- 6.1 95% of those responding to the consultation supported the continued provision of public convenience facilities within the town centres and believed two facilities should be provided within each town centre which should be fully attended.
- 6.2 93% of respondents utilise public toilets within the town centres. The Porthcawl area (49%) and Bridgend town centre (43%) being the most popular location. John Street and Bridgend Bus Station were indicated as the most popular toilets, with the majority of respondents (60%) utilising them on a weekly basis.
- 6.3 Respondents believed John Street (77%) was the most needed convenience within the Porthcawl area.
- 6.4 Bridgend Bus Station was the most popular (89%) convenience within Bridgend town centre.
- 6.5 54% of respondents were prepared to pay to use public toilets. The majority (52%) would be prepared to pay 20p to use the public convenience.
- 6.6 A large proportion of respondents (62%) were not aware of the comfort scheme but thought it was a good idea and the council should promote the scheme more widely to the public and businesses.
- 6.7 54% of respondents said 'yes' if the comfort scheme expanded to include more premises, they would be comfortable using a business such as cafes/bars as an alternative to council operated public toilets. However the majority (74%) of respondents also indicated they would not support the closure of public conveniences and replacement with the comfort scheme as an alternative facility within town centres.

7. Question and analysis - consultation survey

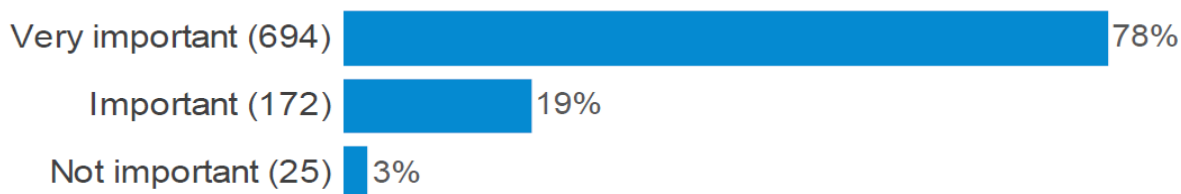
Section seven of the report looks at the questions asked in the consultation survey – with 909 respondents in total.

7.1 Please select a language to begin the survey.

Respondents to the consultation survey were initially asked which language they would like to complete the survey in. Overall, 99 per cent of respondents selected English with one per cent selecting to complete the survey in Welsh.

Language	#	%
English	899	99
Welsh	10	1
Total	909	100.0

7.2 How important are public conveniences to you



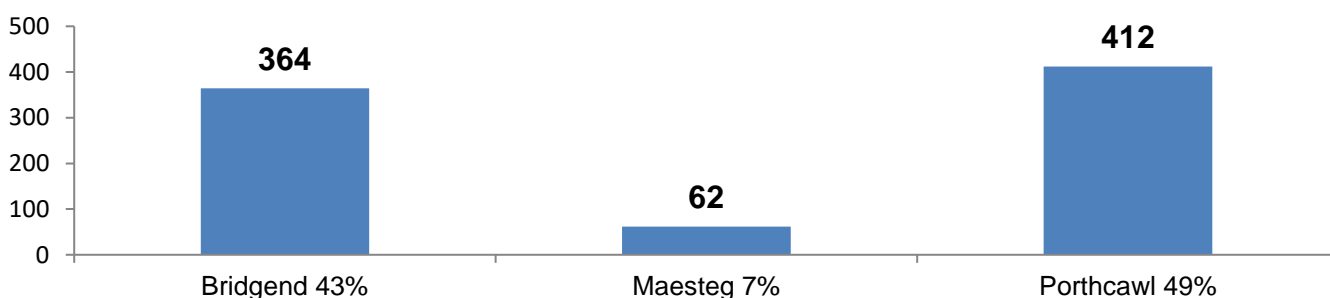
Of the three statements, 78% of respondents felt that public conveniences were very important to them. 19% believed they were important to them, only 3% felt that they were not important to them.

7.2.1 Do you utilise public toilets in the town centre



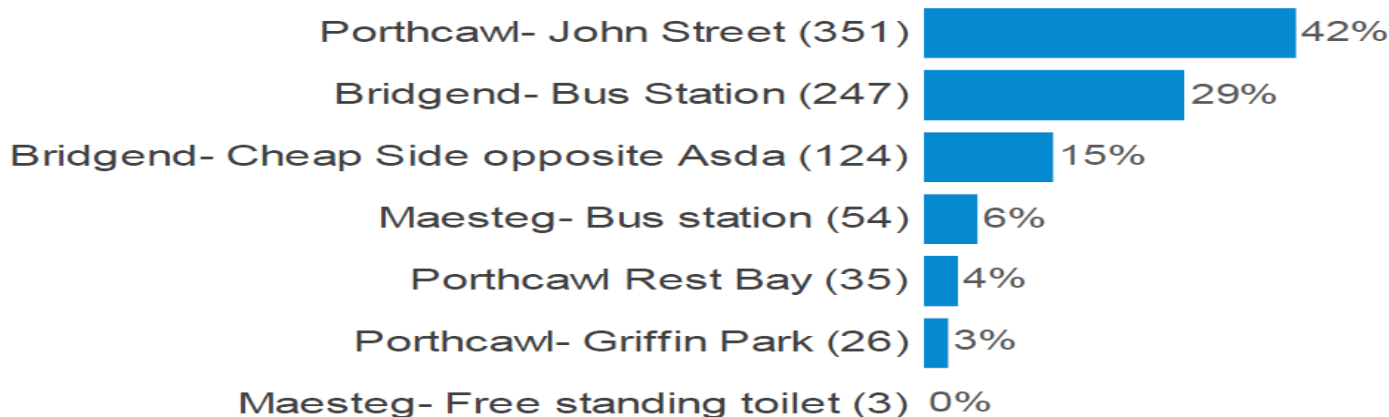
903 people provided a response to this question. Of the 903 respondents, the majority (840) selected 'yes' and 63 people responded 'no'.

7.2.2 Which town centre do you use public toilets the most



49% of respondents stated that they utilised the Porthcawl toilets the most, closely followed by Bridgend (43%). The least popular response was Maesteg (7%).

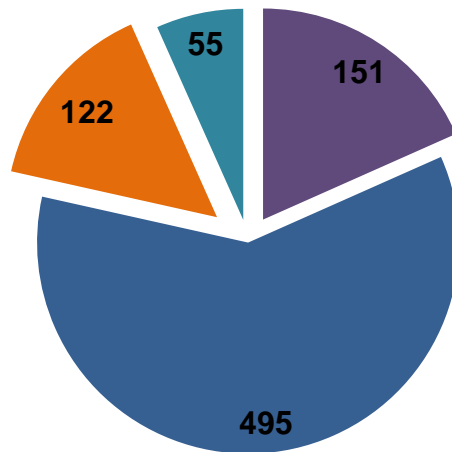
7.2.3 Which of the toilets in this town centre do you use the most?



When analysing the responses from the survey, it can be determined that ‘Porthcawl- John Street’ (42%) and ‘Bridgend Bus Station’ (29%) are the most popular toilets used in the town centres. The least utilised toilets are ‘Maesteg- free standing toilet’ (0%), ‘Porthcawl- Griffin Park’ (3%), ‘Porthcawl- Rest Bay’ (4%) and ‘Maesteg Bus Station’ (6%).

7.2.4 How often would you say you use these facilities?

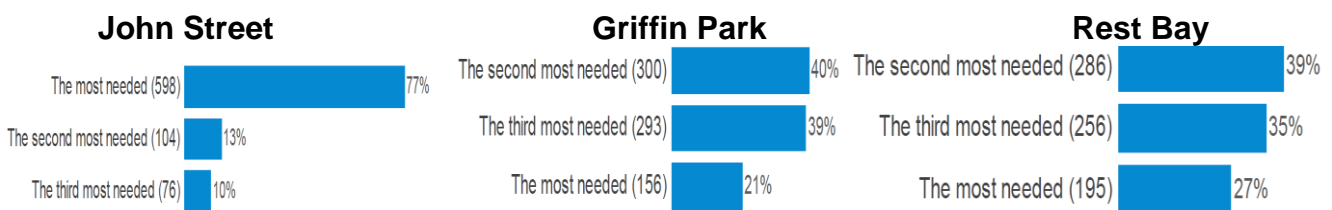
There was a 91% response rate on ‘how often would you say you use these facilities’. The majority of people utilise the council public conveniences (60%) weekly, and 18% of respondents stated that they used the toilets daily.



■ Daily (18%) ■ Weekly (60%) ■ Monthly (15%) ■ Less than monthly (7%)

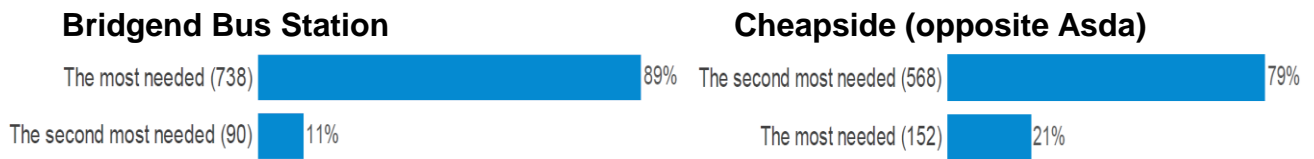
7.2.5 In Porthcawl town centre, which convenience do you consider is the most needed?

When analysing the data on which convenience within Porthcawl town centre they consider is the most needed, there was a total of 949 responses to ‘most needed’, 690 ‘second needed’ and 625 ‘third needed’. This demonstrates that some respondents opted to choose ‘the most needed’ option on more than one occasion instead of responding to ranking the importance of each public convenience location, which has distorted the results slightly.



The respondents ‘most needed’ convenience within Porthcawl was demonstrated to be the most popular response (77%) at ‘John Street’. There were very little differences between the total number of respondents choosing ‘Griffin Park and ‘Rest Bay’ as their second and third choice of most needed conveniences. (40%) ‘Griffin Park’ and (39%) ‘Rest Bay’ as the ‘second most needed’. (39%) ‘Griffin Park’ and (35%) ‘Rest Bay’ as the third most needed convenience.

7.2.6 In Bridgend town centre, which public convenience do you consider is the most needed?

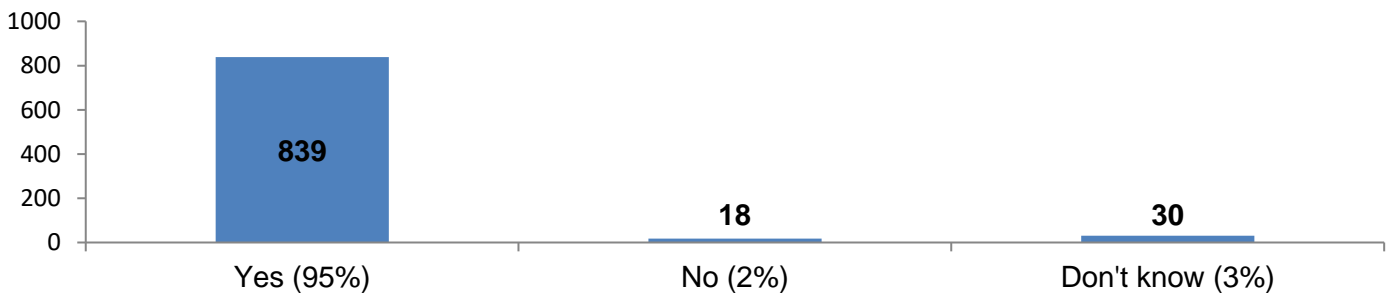


There was a total of (828) responses to Bridgend Bus Station and (720) responses to Cheapside public conveniences. When analysing the data it can be ascertained that some respondents were choosing to opt for ‘the most needed’ as their only response instead of choosing a ‘second most needed’ option. The most favourable response was provided to ‘Bridgend Bus Station’ (89%) as the ‘most needed convenience’ and (79%) provided to ‘Cheapside (opposite Asda) as the ‘second most needed’ response.

7.2.7 How important is Maesteg public convenience to you

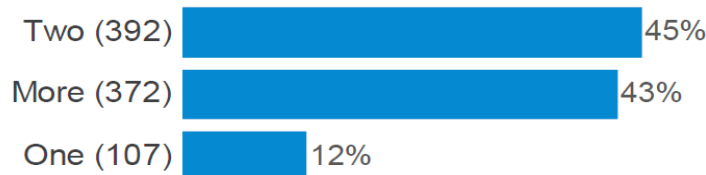
There was a total of 801 responses to ‘how important is Maesteg public convenience to you’ giving a (88%) response rate. 56% of respondents felt that the public conveniences were either important or very important to them. 54% believed that Maesteg public conveniences were ‘not important’ to them.

7.2.8 Do you support the continued provision of public convenience facilities within town centres?



Majority of people (95%) supported the continued provision of public convenience facilities within town centres, with 2% responded ‘no’ and 3% responded ‘don’t know’.

7.2.9 How many facilities do you think should be fully provided within each town centre?



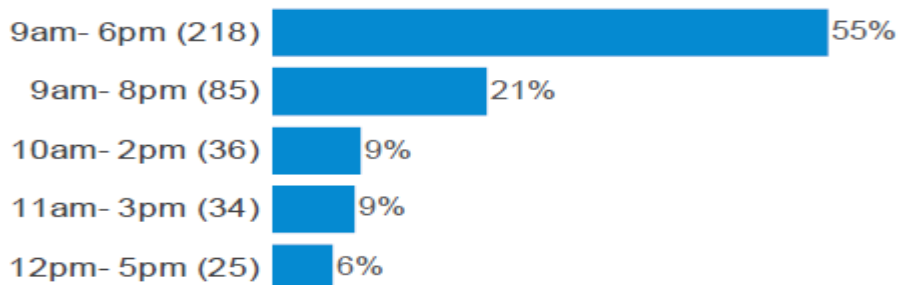
There was very little difference between the responses of how many facilities the respondents wanted in each town centre, with 45% feeling that two were needed and 43% wanting more than two.

7.3 Do you think the facilities should be fully attended?



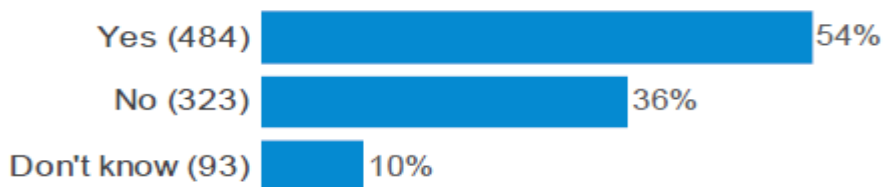
There was a total of 878 responses on whether the respondents felt the facilities should be fully attended, giving a 97% response rate. There was very little difference between the response types 'yes and no'. 53% felt that facilities should be fully attended and 47% believed they should not.

7.3.1 What period during the day do you think they should be manned?



The majority of people believed the facilities should be manned (55%) between 9am-6pm, with the second most popular response (21%) between 9am-8pm.

7.3.2 Would you be prepared to pay to use a public toilet?



54% of respondents stated that they were prepared to use a public toilet, 36% responded 'no' and 10% responded 'don't know' to this question.

All the respondents who responded 'don't know' to the multi choice question were asked if they could specify a reason why they 'didn't know'. Overall there were 43 comments. These were converted into themes, which are provided below:

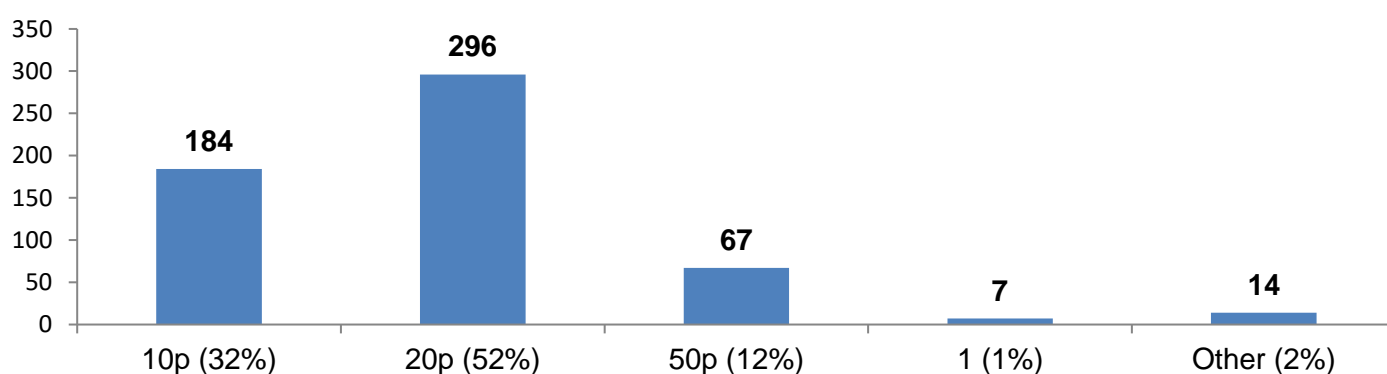
Theme	#
Depends on if they are attended	2
Free disabled facilities	4
Depends on cost/ how much I would be charged	7
We pay enough council tax already	6

Depends on quality of facilities	10
Depends on payment systems e.g. coins, card etc. We don't always carry change	13
Need more information	1

30% commented 'depends on payment systems e.g. coins, card etc'. 23% said it would 'depend on the quality of the facilities' and some respondents believed they 'pay enough council tax already'. A small proportion (5%) of the respondents felt they 'need more information' before making that decision.

7.3.3 How much would you be prepared to pay?

568 people responded to this question. Of the respondents, the most accepted amount (52%) of people were prepared to pay 20p. The least favourable amount (7%) was £1.



568 people responded to this question. Of the respondents the most accepted amount (52%) people were prepared to pay was 20p. The least favourable amount (7%) was £1.

In total there were 26 comments associated to the multi choice question, which were analysed and put into 11 key themes. 35% of comments were themed as '0p' and 12% of respondents commented '20p' and '30p'. 8% of the respondents believed it depends on the 'quality/ cleanliness of the facilities' or it should be 'free disabled facilities'.

Theme	#
0p	9
10p	1
20p	3
30p	3
5p	2
Anything	1
Only if the facilities are attended	1
Don't know	1
Free disabled facilities	2
It is difficult to ensure you have the correct coinage	1
Quality/ cleanliness of facilities	2

7.3.4 Were you aware of the council's comfort scheme?



The majority of people (62%) who completed the survey indicated that they were not aware of the councils comfort scheme, with only 38% of respondents stating that they were aware of the scheme.

7.3.5 Do you think the council's comfort scheme is a good idea?

When asked if the council's comfort scheme was a good idea a large proportion of respondents (52%) believed 'yes' it was a good idea, 24% responded 'no' and 24% stated that they didn't know if it was a good idea.

7.3.6 Do you think the council should promote the comfort scheme more widely to the public and businesses?

Majority of people (71%) believed the council should promote the comfort scheme more widely to the public and businesses, compared to 15% responding 'no' and 14% 'don't know'.

7.3.7 If the council's comfort scheme expanded to include more premises, would you be comfortable using a business such as cafes/ bars as an alternative to a council operated public toilet

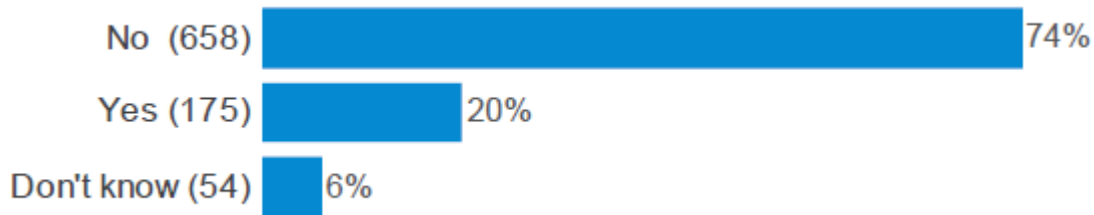
There was a total of 894 responses to the question, creating a 98% response rate. When responding to the multi choice question, the most common response (54%) was 'yes', with 36% responding 'no' and 11% 'don't know'.

There were a total of 304 comments out of the 894 responses to this question. These comments were converted into 19 themes. The comments gained from the additional qualitative question were widespread, however the most common themed responses were; (32%) I 'don't feel comfortable using bars/ cafes as its embarrassing' and (33%) would 'feel obliged to purchase something' from the business.

Theme	#
Accessibility	56
If attended	1
Human basic right	1
Donate money into a charity box	1
We pay enough council tax/ Reduce wages	5
Disabled access	4
Don't know	3
Don't feel comfortable using bars/ cafes it's embarrassing	97
It currently works for all equality groups	1
Free disabled facilities	7
Should be funded by BCBC	3
Good idea to have a comfort scheme	2
Historic building	1

Not enough information to make a decision	1
Would feel obliged to purchase something	99
Safety concerns	15
Depends on quality/ cleanliness of facilities	5
Religious issues using bars	1
Time consuming to find location	1

7.3.8 Would you support the closure of public conveniences and replacement with the comfort scheme as an alternative facility within the town centres?



The majority of respondents (74%) indicated that they that they would not support the closure of public conveniences and replace them with the comfort scheme as an alternative facility within the town centres. 20% would support the idea and 6% stated 'don't know'.

All the respondents who responded 'don't know' or 'no' were asked if they could provide further detail. Overall there were 409 comments which were converted into 16 themes, as provided below:

Theme	#
Accessibility issues	70
Needs to be more advertised	21
Concerned over antisocial behaviour	3
Attended	3
Basic human need	111
Use the cost of the comfort schemes to keep the public toilets	5
Council tax/ reduce wages	9
Disabled facilities	33
Embarrassed	27
Funding	2
Inconvenience	8
Miscellaneous	61
Obliged to purchase something	36
Quality	5
Regeneration	2
Unsuccessful	13

The qualitative themes gained were generally negative responses, with the most common theme (27%) commenting 'basic human need', 17% said they would have 'accessibility issues' and some respondents believed the comfort scheme would be 'unsuccessful'. A small proportion 1% of the respondents had concerns over 'antisocial behaviour, and quality of the toilets'.

7.4 Qualitative responses

Each response received to the following open comments from all methods across the survey were read and subsequently themed. Each theme was then measured to provide a quantitative figure to the qualitative responses.

7.4.1 Do you have any alternative recommendations?

There were a total of 274 responses, providing a 30% response rate.

Theme	#
Accessibility	6
Adequate funding	1
Breastfeeding mums	1
Charge	27
Create unisex toilets	3
Decrease the attendants/ Staff Maintenance	6
Disabled/ health issues to consider	11
Divert funding from other places	40
Do both comfort scheme and 1x public convenience	2
Donations	4
Increase in anti-social behaviour	5
Install turnstiles	2
Keep at least one public toilet	1
Keep the ones we already have	51
Keep them all apart from Cheapside	4
Local community	1
Miscellaneous	27
More advertisement	24
More facilities	8
Need more maintenance	5
Pay local businesses to maintain the public toilets	2
Payment type to include card	2
Porthcawl toilet essential for tourism	14
Privatisation	1
Public toilets to be more evenly spread around the towns	1
Quality/ cleanliness of toilets	2
Redevelopments to include new public toilets	3
Remove public conveniences pushes people away from the town centre	3
Rest Bay has no alternative toilets	1
Self-cleaning toilets	1
Sponsorship of toilets from businesses	4
Use council office toilets	2
Use supermarkets toilets	3
Utilise community service/ Community service orders	5
Wouldn't use a council public toilet	1

The most popular qualitative responses were to keep the ones we already have (19%), divert funding from other sources (15%) and more advertisement (9%).

7.4.2 Are there any further comments about the future provision of public conveniences across Bridgend County Borough?

There were 298 responses, giving a 33% total response rate. Of those, 53 were not relevant and as such, were removed from the table below:

Theme	#
The impact on tourism destination	47
The impact on disabled/ older generation with health issues	57
Associated risks of social isolation/ toilet accidents	9
As long as there is a variety of toilets to use	2
Use council tax funds	18
Regeneration	18
Look at the maintenance of the toilets	21
Donations/ charge	13
Anti-social behaviour	10
Advertise more	9
Keep all the public conveniences	2
Accessibility issues	39

19% of the respondents believed 'the impact on disabled/ older generation with health issues was a concern.

16% highlighted the impact on tourism primarily in Porthcawl area.

13% stated accessibility issues.

7.5 Communications regarding the consultation

7.5.1 Would you like to be kept up to date on our key consultations?

85 respondents wanted to be kept up to date on key consultations and as a result their email addresses have been added to a relevant database.

7.5.2 How did you hear about the 'Public Conveniences' consultation?

Respondents to the survey were asked where they had heard about the consultation in order to inform next year's marketing and engagement plan. Facebook (61%) was the most popular way to find out about the survey, followed by word of mouth (13%).

8. Social media, email, letter and phone responses

Social media, email, letter and phone comments received during the survey's live period were also analysed. There were 277 themes to the consultation from 230 responses. Of those, 81 were not relevant and as such, were removed from the table below:

Theme	#
Better maintenance	14
Bridgend toilets	8
Causes loss of business/Failure to promote tourism	18
Cut spending/ reduce staff	21
Disabled people and their independence	18
Maesteg bus station	10
Pay to use toilets	7
Porthcawl toilets	29
Promote comfort scheme more	15
Costs under council tax	19
Necessity	37

9. Conclusion

A response rate of 909 to the survey questions is robust and is subject to a maximum standard error of ± 3.24 per cent at the 95 per cent confidence level on an observed statistic of 50 per cent. Thus, we can be 95 per cent confident that responses are representative of those that would be given by the total adult population, if a census had been conducted, to within ± 3.24 per cent of the percentages reported. This means that if the total adult population of Bridgend County Borough had taken part in the survey and a statistic of 50 per cent was observed, we can be 95 per cent confident that the actual figure lies between 36 per cent and 46 per cent.

There was a total of ten survey that were not included within the consultation due to them being returned after the closing date.

9.1 Equality impact assessment

The EIA screening informed the development of the consultation questionnaire. This consultation should assist the completion of the Full Equality Impact assessment and the breakdown of equalities data from those respondents who provided it has been supplied to the service area.

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APPENDIX B WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015 ASSESSMENT

Project Description (key aims):

Provision of Town Centre Public Conveniences (To achieve the financial savings identified in the Councils Medium Term Financial Strategy without unduly affecting the provision of toilets accessible to the public)

Section 1

Complete the table below to assess how well you have applied the 5 ways of working.

Long-term

1. How does your project / activity balance short-term need with the long-term and planning for the future?

Where the service area is unable to directly support the provision of public toilets across the County Borough's three main town centres of Maesteg, Bridgend, and Porthcawl, it will work closely with Town and Community Councils to secure the transfer of public toilets under the Councils Community Asset Transfer (CAT) programme. Alternatively where Town and Community Councils wish to install new or alternative facilities to those currently provided by the Council, the Council will work closely with the Town and Community Council to support them in this aim.

Where the transfer of a toilet under the Councils CAT programme is not an option the Council has reviewed its suitability for conversion to pay to use. However, it is recognised that this is not possible or cost effective in all cases. In such circumstances the report recommends closure of the public toilet with appropriate businesses being consulted to engage with the Councils Comfort Scheme as a means of providing access to toilet facilities in the town centre.

This approach addresses the short term need to meet increasingly challenging budget cuts while securing for the medium to long term public toilet provision for residents and visitors to County Borough.

Prevention

2. How does your project / activity put resources into preventing problems occurring or getting worse?

This review makes a number of recommendations focused on maintaining the provision of publically accessible toilets in the town centres, while the traditional service model of the Council directly supporting public toilets may not be possible going forward the alternatives of Town Councils running and providing the service; pay to use and the comfort scheme all offer mitigation where the Council is unable to maintain, due to budget cuts, the current level of County Borough Council funded and operated public toilets.

Integration	<p>3. How does your project / activity deliver economic, social, environmental, & cultural outcomes together?</p> <p>The review of public conveniences recognises the economic, social, and environmental benefits attached to the provision of public conveniences. The recommendations brought forward will secure long term public access to good quality well maintained publically accessible toilets. While the nature of this provision and the body providing the service may change the public will continue to have access to public toilet facilities within the town centres covered by the review.</p>
Collaboration	<p>4. How does your project / activity involve working together with partners (internal and external) to deliver well-being objectives?</p> <p>The County Borough Council is working closely with its partners in particular Town and Community Councils to secure the continued provision of public toilets in the town centres through the Councils CAT programme. The Council will also work closely with businesses to ensure that where required the public have access to toilets through its comfort scheme. It has also undertaken a full and comprehensive public consultation which is attached to this Cabinet report. In all cases the recommendations brought forward in this report take into account the public's views and the views of Town Councils and other stakeholders.</p>
Involvement	<p>5. How does your project / activity involve stakeholders with an interest in achieving the well-being goals? How do those stakeholders reflect the diversity of the area?</p> <p>A full and comprehensive public consultation has been undertaken and is attached as an appendix to this report. The outcomes of this consultation are summarised in this report and the recommendations brought forward fully take into account the findings of the consultations, balanced against the needs to achieve budget savings.</p>

Section 2		
Assess how well your project / activity will result in multiple benefits for our communities and contribute to the national well-being goals		
Description of the Well-being goals	How will your project / activity deliver benefits to our communities under the national well-being goals?	Is there any way to maximise the benefits or minimise any negative impacts to our communities (and the contribution to the national well-being goals)?
<p>A prosperous Wales An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.</p>	<p>The continued provision of public toilets through the models described above, i.e. CAT transfer to Town and Community Councils, pay to use or the Councils comfort scheme, all secure the long term provision of public toilets in the County Boroughs largest commercial town centres.</p>	<p>Where provision of public toilets is via the Councils comfort scheme, advertising and sign posting will form an important part of the service provision. Signing at premises and sign posting in the town centre to business working with the Council to provide access to toilets will be installed as part of the proposal.</p>
<p>A resilient Wales A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic, and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<p>Continuing to ensure the public have access to toilets will secure social mobility for the elderly or those with disability.</p>	<p>Where the service is provided through the Councils comfort scheme, it will be necessary to ensure that the businesses being supported by a grant for the service have high quality facilities for the disabled to at least the current level of provision provided by the Council.</p>
<p>A healthier Wales</p>		

<p>A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.</p>	<p>The proposals outlined will maintain social mobility and access to services for vulnerable groups particularly the elderly and disabled who rely on public toilets, through the mechanisms details in the report</p>	<p>As detailed above</p>
<p>A more equal Wales A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).</p>	<p>The proposals outlined will maintain social mobility and access to services for vulnerable groups particularly the elderly and disabled who rely on public toilets, through the mechanisms details in the report</p>	<p>As detailed above</p>
<p>A Wales of cohesive communities Attractive, viable, safe, and well-connected communities.</p>	<p>The proposal brought forward continue to provide an equivalent level of service through the mechanism details in the report</p>	
<p>A Wales of vibrant culture and thriving Welsh language A society that promotes and protects culture, heritage, and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>	<p>No impact</p>	
<p>A globally responsible Wales A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<p>No impact</p>	

Section 3		Will your project / activity affect people or groups of people with protected characteristics? Explain what will be done to maximise any positive impacts or minimise any negative impacts	
Protected characteristics	Will your project / activity have any positive impacts on those with a protected characteristic?	Will your project / activity have any negative impacts on those with a protected characteristic?	Is there any way to maximise any positive impacts or minimise any negative impacts?
Age:	See full EIA		
Disability	See full EIA		
Gender reassignment:	No	No	No impact on groups of Gender reassigned individuals have been identified.
Marriage or civil partnership:	No	No	No impact on these groups have been identified
Pregnancy or maternity:	See full EIA		
Religion or Belief:	No	No	No impact on groups due to religious belief have been identified
Race:	No	No	No impact on groups of different Race have been identified
Sex:	No	No	No impact on sexual orientation have been identified
Welsh Language:	No	No	No impact on Welsh Language

Section 4		Identify decision meeting for Project/activity e.g. Cabinet, Council or delegated decision taken by Executive members and/or Chief Officers
		Cabinet

Compiling Officers Name:	GP Jones
Compiling Officers Job Title:	Head of Democratic Services
Date Completed:	13 June 2017

APPENDIX C Equality Impact Full Assessment

Name of project, policy, function, service or proposal being assessed:	FUTURE OPERATION AND PROVISION OF PUBLIC CONVENIENCES
Date EIA Screening assessment completed:	6 November 2017
Full assessment date for completion (from EIA screening):	8 June 2018

At this stage you will need to re-visit your initial screening template to inform your consultation and refer to [guidance notes on completing a full EIA](#)

Consultation

	Method	Action Points
Who do you need to consult with (which equality groups)?	<p>Public consultation.</p> <p>Available to all residents, including local community, equality and diversity Groups</p>	<p>Consultation went live on 7 February 2018 to 4 April 2018.</p> <p>Online, paper and accessible versions in Welsh and English were available throughout the consultation period.</p>
How will you ensure your consultation is inclusive?	<p>Consultation survey forms were available online and at 12 local libraries across the county of Bridgend and at Bridgend Bus Station.</p> <p>Citizens' Panel were informed of consultation. Articles in Gem and Wales on line.</p> <p>Social media posts on twitter and Facebook.</p>	<p>Information circulated on social media regularly throughout the consultation period. (Facebook and Twitter)</p> <p>Hard copies and posters made available at local libraries and Bridgend and Maesteg Bus Stations. Residents could also request a paper copy.</p> <p>Poster promoting the consultation placed in local public conveniences and information shown on council website</p>

		<p>Use of local press to advertise the consultation</p> <p>Circulation to respondents from previous consultation in 2015</p> <p>Circulating questionnaire through Council's Citizen Panel, local groups, organisations and visiting appropriate groups</p>
<p>What consultation was carried out? Consider any consultation activity already carried out, which may not have been specifically about equality but may have information you can use</p>	<p>It had been agreed in Cabinet meeting on 3 October 2017 that the council would undertake a further review of the public conveniences as part of its Medium Term Financial strategy (MTFS) and the council would consult with the public in order to ensure all views were obtained in relation to the continued provision of this service were fully considered.</p> <p>A survey was developed in line with national consultation guidance which enabled residents to provide their feedback on the proposals.</p> <p>The survey was taken to the Bridgend Coalition of Disabled people and the SHOUT meeting.</p>	<p>Survey responses as well as social media, phone, email and letter responses were received and analysed.</p>

Record of consultation with people from equality groups

Group or persons consulted	Date/venue and number of people	Feedback/areas of concern raised	Action Points
Bridgend Coalition of Disabled People	13 February 2018 at St John's on Minerva Street. 15 group members in attendance	Advised attendees of the on-going consultation in respect of public conveniences. 14 people completed the public convenience survey.	Paper copies were made available to the group and those who needed it were offered support to complete the survey.
Bridgend SHOUT meeting	Invited to attend on 21 March 2018 at Evergreen Hall. 20 group members in attendance	Mixed response as only a few used public conveniences.	Hard copies were distributed and a few volunteered to participate in the Council's Citizens Panel. Some members told us that they had already completed the survey prior to the meeting.
Citizens' Panel	All members of the Citizens Panel were made aware of the consultation	At the beginning of this consultation there were 1685 Citizens' Panel members.	n/a
'Your Bus Matters' event	Advised attendees and passers-by of the on-going consultation in respect of public conveniences	Advised attendees of the on-going consultation in respect of public conveniences.	Paper copies were made available to the group and those who needed it were offered support to complete the survey.

Assessment of Impact

Based on the data you have analysed, and the results of consultation or research, consider what the potential impact will be upon people with protected characteristics (negative or positive). Include any examples of how the policy helps to promote equality. If you do identify any adverse impact you **must seek legal advice as to whether, based on the evidence provided, an adverse impact is or is potentially discriminatory, and identify steps to mitigate any adverse impact – these actions will need to be included in your action plan.**

	Impact or potential impact	Actions to mitigate
Gender	<p>Removal or reduction of services would have a potentially negative impact on any members of the community.</p> <p>However, the consultation report does not give evidence to suggest that this group would be any more disproportionately affected than others.</p>	N/A
Disability	<p>133 respondents considered themselves to have a disability.</p> <p>93% of respondents told us that they utilised the toilets in the town centre. With 18% of respondents stating that they used the toilets daily and 60% using the toilets weekly.</p> <p>19% of those who respondents believed there would be an impact on disabled/older generation with health issues if the facilities were removed</p>	<p>Identify alternative facilities and extend Comfort Scheme</p> <p>Explore Town and Community Council options to secure the transfer of some public toilets under the Councils Community Asset Transfer (CAT) programme.</p> <p>Review a 'pay to use' option to support the expenditure for retaining the facilities where appropriate</p>
Race	<p>Removal or reduction of services would have a potentially negative impact on any members of the community.</p> <p>However, the consultation report does not give evidence to suggest that this</p>	N/A

	group would be any more disproportionately affected than others.	
Religion and belief	<p>Removal or reduction of services would have a potentially negative impact on any members of the community.</p> <p>However, the consultation report does not give evidence to suggest that this group would be any more disproportionately affected than others.</p>	N/A
Sexual Orientation	<p>Removal or reduction of services would have a potentially negative impact on any members of the community.</p> <p>However, the consultation report does not give evidence to suggest that this group would be any more disproportionately affected than others.</p>	N/A
Age	<p>Respondents aged over 55 made up 46% of respondents. 17.8% of respondents were aged 65-74.</p> <p>93% of respondents told us that they utilised the toilets in the town centre. With 18% of respondents stating that they used the toilets daily and 60% using the toilets weekly.</p> <p>When asked to provide further comments about the future of public conveniences 57 people made a comment about the impact on disabled or older generation with health issues. A further 9 raised the</p>	<p>Identify alternative facilities and extend Comfort Scheme</p> <p>Explore Town and Community Council options to secure the transfer of some public toilets under the Councils Community Asset Transfer (CAT) programme.</p> <p>Review a 'pay to use' option to support the expenditure for retaining the facilities where appropriate</p>

	<p>concern of risks associated with social isolation and toilet accidents.</p> <p>19% of respondents believed there would be an impact on disabled/older generation with health issues if the facilities were removed</p>	
Pregnancy & Maternity	<p>This service would not impact upon employees and therefore pregnancy and maternity is considered on the part of pregnant women within the community or nursing mothers.</p> <p>There was one comment received in relation to breastfeeding mums within the survey, however this was not specific to the use of toilets:</p> <p><i>As a breastfeeding mum I've struggled to find anywhere public to feed my baby in private. We need more support.</i></p> <p>All toilets currently have baby changing facilities within them, and the criteria for the comfort scheme includes baby changing facilities which are available to both men and women.</p>	<p>Identify alternative facilities and extend Comfort Scheme</p> <p>Explore Town and Community Council options to secure the transfer of some public toilets under the Councils Community Asset Transfer (CAT) programme.</p> <p>Review a 'pay to use' option to support the expenditure for retaining the facilities where appropriate</p>
Transgender	<p>Removal or reduction of services would have a potentially negative impact on any members of the community.</p> <p>However, the consultation report does not give evidence to suggest that this group would be any more disproportionately affected than others.</p>	N/A

Marriage and Civil partnership	<p>Removal or reduction of services would have a potentially negative impact on any members of the community.</p> <p>However, the consultation report does not give evidence to suggest that this group would be any more disproportionately affected than others.</p>	N/A
Welsh language	<p>Removal or reduction of services would have a potentially negative impact on any members of the community.</p> <p>However, the consultation report does not give evidence to suggest that this group would be any more disproportionately affected than others.</p>	N/A

Equality Impact assessment Action Plan

It is essential that you now complete the action plan. Once your action plan is complete, please ensure that the actions are mainstreamed into the relevant Service Development Plan.

Action	Lead Person	Target for completion	Resources needed	Service Development plan for this action
Identify future development opportunities which could incorporate access to public conveniences	Group Manager	1 April 2019	£0	MTFS 2017/18
Identify suitable business which could participate in the council's 'Comfort Scheme'	Service Manager	1 April 2019	Each business identified could receive a maximum of £500 contribution.	MTFS 2017/18

Work closely with Town and Community Councils to secure the transfer of some public toilets under the Councils Community Asset Transfer (CAT) programme. Alternatively, where Town and Community Councils wish to install new or alternative facilities to those currently provided by the Council, the Council, work closely with the Town and Community Council to support them in this aim.	Group Manager	1 April 2019	May result in expenditure as a contribution from the council or cost incurred throughout the transfer process	MTFS 2017/18
Review a 'pay to use' option to support the expenditure for retaining the facilities where appropriate	Service Manager	1 April 2019	Purchase, installation and collection costs. On-going annual maintenance revenue	MTFS 2017/18

Please detail the name of the independent person (someone other than the person undertaking the EIA) countersigning this EIA below:

Countersigned:	Role:	Date:
ANDREW HOBBS	GROUP MANAGER – STREET SCENE	11.06.18

Please outline how and when this EIA will be monitored in future and when a review will take place (max. three years):

Monitoring arrangements:	Date of Review:
CONTINUAL MONITORING OF ACCESSIBILITY TO ALTERNATIVE FACILITIES AND ACCESS TO COMFORT SCHEME	01.04.21

Details of person completing the Full EIA:

Name:	Role:	Date:
ZAK SHELL	HEAD OF NEIGHBOURHOOD SERVICES	11.06.18

Publication of a Full EIA and feedback to consultation groups

It is important that the results of this impact assessment are published in a user friendly accessible format.

It is also important that you feedback to your consultation groups with the actions that you are taking to address their concerns and to mitigate against any potential adverse impact.

When complete, this form must be signed off and retained by the service area. The Full EIA should be recorded as complete on share point (your business manager has access to share point). Where a full EIA is needed this should be included as an appendix with the relevant cabinet report and therefore available publically on the website.

If you have queries in relation to the use of this toolkit please contact the Equalities Team on 01656 643664 or equalities@bridgend.gov.uk

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

BRIDGEND MARKET- IMPROVEMENT PLAN

1. Purpose of Report

- 1.1 The purpose of this report is to recommend to Cabinet the approval and implementation of a management improvement plan for Bridgend Market.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate priority/priorities:

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 The Council own a leasehold interest in Bridgend Indoor Market, part of the Rhiw Shopping Centre, by way of a 99 year term from 19th June 1972.

- 3.2 The lease provided for the rent to be reviewed at the expiration of the 21st, 35th, 49th, 63rd, 77th and 91st years. The last review was in the summer of 2007 and the next rent review therefore is in 2021. The current rent is £133,000 pa (excluding services charges, rates, etc.) payable to the Rhiw Centre owners and there are 53 years of the term remaining. The full estimated running costs based on current occupancy, service charge estimates, normal running expenses and National Non-Domestic Rates (NNDR) are set out below:

Running Expenses	94,303
Rent & Service Charge	220,145
NNDR liability	53,393
Total Costs	367,841

- 3.3 Owing to current high and increasing vacancy rates (c. 44+%), there is a widening gap between the income the Council receives and the costs of leasing and managing the market. The income gap continues to widen as significant numbers of traders continue to leave. Current traders pay a total of £174,331 in rent which

produces a forecast deficit for 2018/19 of £193,510 based on the estimated total running costs set out in the table above.

- 3.4 Many traders cite the high relative rents (as compared to both retail units in Bridgend town centre and those at other similar markets in Wales) and the resultant current high vacancy as their main reasons for leaving. These rent levels have historically been maintained and set to reflect the underlying lease which was, unfortunately, last reviewed at a high point in Bridgend retail rents before the financial downturn.

4. Current Situation / Proposal

- 4.1 Whilst over the years the Council has made significant investment in the market, including capital spend in excess of £600,000 on a new market roof, budget constraints have largely limited investment in more recent years to essential maintenance. Therefore, much of the external signage, displays and public areas do not present an attractive shopping environment, which is exacerbated by vacant stalls.
- 4.2 In recognition of the difficult trading situation, a market improvement partnership, including representatives of the major stakeholders, was established in 2017. As part of agreed measures to help revive the market, the existing traders were granted a rent rebate from December 2017 to March 2018, payable in two tranches and set at 15% of their rent levels. These have now been paid and rents are back as before.
- 4.3 Simultaneously with the rebate initiative, Watts & Morgan (W&M) were appointed as agents to market the vacant space, commencing marketing in January 2018. The asking rents were set at just over 70% of the level paid by existing stall holders as a means of attracting new business to the market. Unfortunately, W&M have subsequently had no firm offers in four months and continue to advise that rents need to be just over 50% of current levels to compare favorably with town centre retail unit rents.
- 4.4 Since the last rebate was paid in March 2018, a further four stalls have been vacated representing a further £37k (18%) of passing income and 12% of the whole floor area. No new or replacement tenants have yet been secured.
- 4.5 The status quo is therefore not considered sustainable and radical and prompt action is required on both passing and quoting rents. A permanent reduction in existing traders rents of 25%, frozen until April 2020 is proposed to avoid further terminations. It is also proposed that W&M quoting rents are dropped to a level of c.52% of current existing rents which can be justified with existing traders on the basis of the lower rentals seeking to attract and incentivise new traders and also recognising that the existing traders, in the main, occupy the prime positions in the market space. The proposal would allow a better opportunity for a refill of the market in the medium term.
- 4.6 In tandem with the above and utilising existing budgets, and some financial input from the Rhiw Shopping Centre owners, (an initial investment of £5k has been provisionally agreed), a significant programme of investment would take place to

improve the market environment and experience. These would potentially cover but not be limited to:

- New signage and marketing boards along external wall in Rhiw.
- Repositioning and display of historic market bell.
- Air curtains on access door to improve atmospheric environment, particularly in winter.
- Improved entrance doors with improved fire alarm connectivity.
- Better external signage for rear entrance.
- Creation of a central open 'Market Square' by removing some of the current empty stalls in the centre of the market space and moving one tenant to provide a play area, children's rides, seating, temporary pop-up stalls, cultural events and ad hoc events such as trade and craft fairs.
- Liaison with Traders association on regular market events such as Craft Fair on 16th June.

4.7 **Rental levels**

Whilst the existing occupancy has largely migrated to the relatively 'prime' stalls along the Rhiw arcade and in the corners close to the entrances / river viewing windows, we propose to offer a permanently reduced rent for the existing tenants. Such a move will assist with the viability of their on-going operations and bridge the gap with re-structured rents quoted by W&M for small, medium and large units for new tenants.

- 4.8 Comparisons with available premises in the town centre and other comparable local markets in the South Wales area, suggest that the current rent is very high compared with the "open market". Traditionally Property Services have tried to maximise the rent in order to pay the significant costs associated with holding the long term lease. This is now recognised to be unsustainable and the rental yield will no longer cover the running costs - as shown in the table in paragraph 4.11.
- 4.9 It is proposed that rents are reduced by 25% to a figure that is more closely comparable with other markets. The aim is for an average 85% occupancy (considered to be realistic and achievable) and if this is achieved it might be possible to stabilise the position and build up future income in partnership with the traders over a longer period, particularly through utilisation of an open Market Square. Again this scenario (proposing a revised rent) is illustrated below in paragraph 4.12.
- 4.10 While it is appreciated that existing traders would pay higher rents, this would not be at a level considered to be divisive and inherently unfair, particularly as the new W&M quoting rents would be deliberately set at an 'aggressive' level to attract new business and would increase with RPI and are generally for inferior stall positions. The traders representatives on the Market Partnership have emphasized that for them to continue to trade profitably, the current situation in terms of vacancy levels must be also be addressed, so it is considered that an approach that will assist both existing and new traders is in the interest of a sustainable market and will ensure this important amenity for the town is better supported.

4.11 Current rental shortfall is shown below, following tenant exits:

Current costs	£ 367,841
Current income (incl. latest exits)	-£ 174,331
Shortfall assuming no new exits/lettings	-£ 193,510

4.12 As the reduction kicks in for existing tenants and until new tenants become aware of the new starting rents, the current predicted shortfall of £193,510 may increase for a short time as the 25% reduction will represent a drop of around £43,500 per annum in the current existing traders passing rents (c. £32,700 for 2018/19 assuming in place for 9 months from 1st July). However, as occupancy subsequently increases, it is projected that it will settle at between £130,000 and £160,000 (at 85% occupancy) in the medium term and reduce over the longer term as rents then increase.

4.13 **Marketing**

It is recognised that with current internal resource constraints, the marketing of the indoor market is likely to be more effective if it can be undertaken in conjunction with the Rhiw Shopping Centre owners and the Traders. Consideration is being given to the most effective means of achieving this but a clear objective will be to improve the signage, look and environment of the Market.

4.14 In addition, assistance with marketing and positive publicity, directed at both the general public and potential new traders is to be encouraged. It is acknowledged that one hour of free parking adjacent to the market is already in place - and consideration will need to be given to realistic future opportunities to promote the town and market in this way.

4.15 **Lease terms**

Some lease terms are considered to be too restrictive and need to be more flexible to reflect the “buyers’ market”. For example, current leases restrict the products that individual stall-holders can sell. The original rationale for this was to provide a variety of interest in the market, but also to prevent unhelpful competition between stall-holders, which could result in some businesses failing.

4.16 Feedback from the Market Partnership however, has suggested that traders have historically been prevented from developing their business and testing new products and services. Lifting of any restraints on trade and increasing competition (on the basis that increased footfall is good for all traders) should be positively encouraged.

4.17 It is proposed, therefore, that the market operates with no restrictions in terms of duplication, i.e. new traders can be accepted even if they sell goods that are similar to those already available in the market.

5. **Effect upon Policy Framework & Procedure Rules.**

5.1 None.

6. Equalities Impact Assessment

- 6.1 There is no direct impact on groups or individuals with protected characteristics directly from the proposals in this report

7. Well-being of Future Generations (Wales) Act 2015 Implications

- 7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment has been completed. A summary of the implications from the assessment relating to the five ways of working is below:

Long Term - The proposals will provide short term financial relief to existing market traders, encourage new traders and secure market financial sustainability over the longer term through increased occupancy.

Prevention - The proposal combines financial relief for current traders to prevent more vacancy and the financial investment in market infrastructure will improve the built environment.

Integration - The economic vibrancy of the market and Bridgend's retail centre will improve and new facilities for social and cultural events.

Collaboration - The Council is working closely in partnership with the Rhiw Shopping Centre management and Bridgend Market Traders Association to deliver well-being objectives.

Involvement - The Market Traders are actively engaged in the delivery of the proposals, both financially and through direct involvement, and reflect the full diversity of businesses within the market and Bridgend retail business community.

8. Financial Implications

- 8.1 A permanent reduction in existing traders rents of 25%, frozen until April 2020, will increase the rental shortfall at the market by £43,500 per annum.
- 8.2 A rental reduction for new traders is proposed to attract new traders to the market. The reduction will result in less income on an individual stall basis from current rates, but collectively this may not result in a dramatic overall fall in income if the number of stalls occupied and hence paying rent increases.
- 8.3 The proposed changes will result in a budget shortfall that will be addressed corporately, through earmarked reserves in 2018/19. However, a longer term solution will need to be developed once the earmarked reserve has been exhausted.

9. Recommendations

Cabinet are asked to approve the following:

- 9.1 Introduce a permanent reduction in the Bridgend Market rent for current traders of 25%, effective as at 1st July 2018, with rents to be frozen until April 2020.

- 9.2 Reduce asking rents quoted by Watts & Morgan. The new proposed rents would be dependent on the size of the individual stall and would reflect Watts & Morgan's advice.
- 9.3 Allow new traders tenancies which offer more flexible terms of occupation. It is anticipated that these specific changes will increase the number of lettings and in turn, improve the vibrancy and occupancy of Bridgend market.
- 9.4 Embark on a programme of marketing and capital investment initiatives, within existing budgets and in partnership with the Rhiw Shopping Centre owners to improve the signage, displays, environment and utility of the Market, including a new open 'Central Market Square'
- 9.5 The Corporate Director - Communities, in consultation with the Head of Finance be authorised to action these changes.
- 9.6 Note the actions of the Bridgend Market Partnership in collaboration with interested parties in seeking to bring about long term the effective change in Bridgend Market.

Mark Shephard
Corporate Director - Communities
June 2018

Contact Officer: Giles Parker
Senior Commercial Portfolio Surveyor
Telephone: (01656) 6427794
E-mail: giles.parker@bridgend.gov.uk

Background documents: None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

VISIT WALES REGIONAL TOURISM ENGAGEMENT FUND (RTEF), PORTHCAWL SEASCAPE PROJECT (DISCOVER PORTHCAWL)

1. Purpose of Report

- 1.1 The purpose of this report is to update Cabinet on an application for funding to the Visit Wales Regional Engagement Fund (RTEF) and to seek Cabinet approval to enter into agreements with delivery partners Credu Charity Ltd (formerly Harbourside Community Interest Company (CIC)) and Awen Cultural Trust to support the delivery of the Porthcawl Seascape Project.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate priorities:-

- Supporting a successful local economy
- Smarter use of resources

3. Background.

- 3.1 Tourism can – and does - contribute to local prosperity and quality of life in Bridgend County Borough (BCB), both of which are key goals for the Welsh Government (WG) and Bridgend County Borough Council (BCBC).
- 3.2 According to the Scarborough Tourism Economic Activity Model (STEAM) data for 2016, tourism already injects much needed revenue into the local economy (£329.76m) and supports over 4,200 jobs. In addition, tourism:
- Supports cross-cutting services and infrastructure which benefit local people e.g. transport links, the range of shops and services, sports and cultural facilities; and
 - Helps promote a positive image of the County Borough to the outside world which, in turn, can attract investment and make people feel better about the place in which they live.
- 3.3 BCBC has a strong track record in delivering partnership projects through Visit Wales Regional Tourism Engagement Fund (RTEF). The Cardiff Capital Region Travel Trade Campaign, covering all the Authority areas of the Cardiff City Deal has been led by BCBC for many years. The Valleys Marketing campaign, covering the Authority areas of Bridgend, Caerphilly, Rhondda Cynon Taff, Blaenau Gwent, Torfaen and Merthyr Tydfil is now also led by BCBC.

4. Current situation / proposal.

- 4.1 The Economy and Natural Resources Team has been successful in a bid to the Visit Wales Regional Tourism Engagement Fund (RTEF) and has been awarded £78,000 towards a total project cost of £90,000. BCBC contribution towards the project is £12,000, which will be met from the Economy and Natural Resources revenue budget.
- 4.2 The project will be led by BCBC as the applicant and directly delivered by BCBC and partners Credu Charity Ltd and Awen Cultural Trust. A close working relationship will be required with other, relevant local stakeholders.
- 4.3 Funding relates to the period April 2018 to 31 March 2019 and must be claimed by 31 March 2019.
- 4.4 Through a partnership approach, the project will deliver a dynamic and engaging range of activities and experiences that bring to life the coast and link together the seafront and town as a coherent resort. From coal and iron to funfairs and beauty pageants and then on to watersports and golf, the project will enable visitors to discover the old and the new Porthcawl, tracing its evolution based on its relationship with the Sea during the Year of Seascape - Year of the Sea.
- 4.5 The project will raise awareness of the forthcoming attractions and facilities being supported through the Tourism Attractor Destination (TAD) Programme - planned to launch during the Year of Discovery.
- 4.6 The project is made up of the following work packages, funded to the levels and delivered by the partners as indicated below:
- Promenade Alive - £24,000- Awen Cultural Trust
 - Events - £9,000 - Credu Charity Ltd
 - Seascape story board - £10,000 - BCBC
 - Digital programme - £27,000- BCBC
 - Watersports immersion room - £20,000 - Credu Charity Ltd
- 4.7 The purpose of the agreements with the project partners is to ensure that the parties work together effectively to deliver the project. The agreement will ensure that the service providers will act at all times in a manner to ensure compliance with the terms and conditions set out in the Award of Funding letter from Welsh Government.

5. Effect upon Policy Framework& Procedure Rules.

- 5.1 The agreements will be put in place with support from the BCBC legal department.

6. Equality Impact Assessment

- 6.1 Screening has highlighted that no issues arise as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 Assessment

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment template has been completed. A summary of the implications from the assessment relating to the five ways of working is below:

- Long-term - The project will create short-term opportunities to animate the destination during the 2018 summer season and enhance the visitor experience and understanding of the area. This will foster a longer term understanding of Porthcawl – past, present and future – and enable the area to raise awareness of the forthcoming attractions of the Rest Bay Watersports Centre and the Maritime Centre.
- Prevention - Animating the destination during peak season will enhance the experience for visitors and support return visits, thereby contributing towards preventing a reduction in the value of tourism to the local economy. The advance awareness raising of the forthcoming attractions of the Rest Bay Watersports Centre and the Maritime Centre will enable those developments to attract more visitors early in the operation.
- Integration - The project will achieve this way of working by delivering the following objectives: (a) Encourage new visitors to Porthcawl through the delivery of engaging digital material, quirky experiences and a range of eye-catching events, many of which will target overnight stay opportunities as well as day visits. This will also create a legacy for the programme through content available long after project completion; (b) Providing unique experiences that raise awareness of the past, current and future Porthcawl through the delivery of the Seascape story board – prioritising those sites under construction during 2018, to bring to life what the future holds; (c) Lengthen the season and broaden the reason to visit through events that span the year; (d) Entice visitors to revisit by immersing them in watersports (actually and virtually) through the watersports themed events and the watersports immersion room
- Collaboration - The project has been developed and will be delivered through a strong partnership between BCBC, Awen Cultural Trust and Credu Charity Ltd as the direct deliver agents. It will also ensure close working with other, relevant local stakeholders. One of the main purposes of this report is to seek agreement to enter into agreements with the partners to formalise that collaboration.
- Involvement - The project has been developed in close partnership with a range of local stakeholders. Discussions and development has taken place through the framework of the Bridgend County Destination Partnership and the Bridgend Coastal Partnership. Those groups will be involved in monitoring and supporting the delivery of activity during the project.

8. Financial Implications.

- 8.1 The Economy and Natural Resources team will take on the lead role of coordinating and supporting the Porthcawl Seascape Project. BCBC's contribution of £12,000 is secured in the 2018/2019 Economy and Natural Resources revenue budget.

9. Recommendation.

- 9.1 Note the approval of funding through RTEF for the delivery of the Porthcawl Seascape project.
- 9.2 Authorise the Corporate Director, Communities in consultation with the Corporate Director, Operational and Partnership Services, to enter into agreements with Credu Charity Ltd and Awen Cultural Trust for the delivery of their respective aspects of the project.

Mark Shephard
Corporate Director Communities
5 June 2018

Contact Officer: Ieuan Sherwood
Manager, Economy and Natural Resources

Telephone: (01656) 815334

Email: ieuan.Sherwood@bridgend.gov.uk

Postal address: Economy and Natural Resources
Communities Directorate
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents:

n/a

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE INTERIM CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

PROVISION FOR PUPILS WITH ADDITIONAL LEARNING NEEDS (ALN):- ESTABLISHING A LEARNING RESOURCE CENTRE (LRC) FOR PUPILS WITH AUTISTIC SPECTRUM DISORDER (ASD) AT PENCOED PRIMARY SCHOOL- OBJECTIONS REPORT

1. Purpose of report

- 1.1 The purpose of this report is to inform Cabinet of the outcome of the statutory objections process conducted by Bridgend County Borough Council (BCBC) in respect of the proposal to establish an ASD LRC at Pencoed Primary School.

2. Connection to Corporate Improvement Plan/other corporate priorities

- 2.1 These proposals are related both to the Corporate Plan 2016-2020 and the Education Inclusion Programme and, in particular, the following corporate improvement priority:

Supporting a successful economy - taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

- 2.2 In order to achieve this improvement priority, it is important to work with our partners to support pupils with additional learning needs (ALN). The focus needs to be on raising learners' skills, ambition and qualifications, and support them to take advantage of opportunities to succeed. This will improve the future prospects for our children and young people.

- 2.3 We have already contributed to this priority by improving the provision in mainstream schools for pupils with ALN.

3. Background

- 3.1 In December 2011, Cabinet received an update on the review of support and provision for the inclusion of children and young people with ALN.

- 3.2 Currently, in conjunction with this proposal there is also a proposal which has been approved by Cabinet to establish a Welsh-medium ASD LRC at Ysgol Gyfun Gymraeg Llangynwyd; this provision opened in March 2018.

- 3.3 In addition, a proposal to open an ASD LRC in one of the Welsh-medium primary schools will be submitted to Cabinet during 2018, for approval to undergo a consultation exercise.

- 3.4 The published admission number (PAN) of Pencoed Primary School will increase from seventy to seventy two with the new build due to open in September 2018. However, the LRC is a dedicated space and therefore it is not included in the capacity calculation that is used to identify the PAN.
- 3.5 The Council supports the principles that, when possible, children should be educated within a mainstream school environment and as near to their home as possible. The proposal to open an ASD LRC at Pencoed Primary School would afford those children with ASD living in the east locality of Bridgend County Borough to be educated locally.

4. Current situation/proposal

- 4.1 In order to progress a proposal to establish an ASD LRC at Pencoed Primary School as from 1 September 2018, consultation exercises were carried out between 9 February 2018 to the 23 March 2018 with staff, governors, parents and pupils of Pencoed Primary School and also the wider community in accordance with the statutory School Organisation Code 2013.

A copy of the consultation document was also made available during this time on the Council's website:

www.bridgend.gov.uk/consultation

www.bridgend.gov.uk/cy/gwasanaethau/ymgynggori.aspx

- 4.2 The consultation document invited views and opinions to be submitted in respect of the proposal. A summary of these views and opinions was then published in the form of a consultation report.
- 4.3 Under the statutory Code referred to above, the proposal was subsequently published for a period of 28 days and formal written objections were invited during this time.
- 4.4 No objections were received during this public notice period therefore the proposal can be implemented with Cabinet's approval.

5. Effect upon policy framework and procedure rules

- 5.1 There is no effect upon the procedure rules.

6. Impact assessments

Community Impact Assessment

- 6.1 There is no negative impact on the community.

Equality Impact Assessment (EIA)

- 6.2 The Council has a duty to consult and fully consider the implications of any proposal on all members of the local community who may be affected unfairly as a result of

the proposal being carried out.

- 6.3 A full EIA has been undertaken and reported to Cabinet. The EIA holistically evaluates the pupils affected by the introduction of the proposal.

7. **Well-being of Future Generations (Wales) Act 2015 Assessment**

- 7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service. (See Appendix 1)

Long-term	Affords pupils with a diagnosis of ASD a place in a school as near to their home as possible. Provides additional places required to meet the needs of an increase in diagnosis of pupils with ASD.
Prevention	Provision of locally based LRCs enables pupils to be educated as part of the graduated response as stipulated in the ALN Code of Practice and ultimately preventing being placed out-of-authority.
Integration	The ASD LRC is key in ensuring that pupils with a diagnosis of ASD have access to mainstream education experiences with their peers and also have the opportunity to reintegrate into mainstream where appropriate. The opening of a LRC ensures sustainable education for a pupil with ASD. There are also efficiencies related to this proposal as the cost of an out-of-authority place far outweighs the cost of opening a LRC locally.
Collaboration	There is excellent collaboration between the local authority with schools that have LRCs. The Inclusion Service provides on-going support, advice and guidance to all schools.
Involvement	The child's voice is important and this is achieved during review meetings through a person centred planning (PCP) approach. Parental partnership and working in partnership with other stakeholders such as Health is fundamentally important in order to meet the individual child's needs. The local authority liaises with the schools to ensure that there are clear and regular lines of communication with parents and carers in the best interest of the child.

8. **Financial implications**

- 8.1 The funding for the LRC would be allocated through the mainstream school's delegated budget, via the school's formula allocation, and using a combination of class allocation and the age-weighted pupil unit (AWPU) element. One-off funding for the set-up costs would be £5k.
- 8.2 Funding levels would be derived from notional current staffing needs and are based on the salary of a teacher and two support staff.
- 8.3 As part of the medium-term financial strategy budget-setting process for 2017-2018, a total of £263k was allocated under budget pressures to establish additional LRCs

for pupils with ASD in two Welsh-medium schools and two English-medium schools with effect from the academic year 2017-2018. This was supplemented in the 2018-19 budget-setting process by an additional £51k to meet the full year effect of the 2017-18 budget pressure application. These allocations will be used to fund the LRC at Pencoed Primary School if the proposal goes ahead.

9. Recommendations

9.1 Cabinet is recommended to:

- note that no objections were received during the public notice period; and, as a consequence,
- approve the implementation of the proposal.

Lindsay Harvey
Interim Corporate Director – Education and Family Support

Contact Officer: Michelle Hatcher

Telephone: (01656) 815253

E-mail: michelle.hatcher@bridgend.gov.uk

Postal Address Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents

Education Inclusion Programme: Reviewing and developing support and provision for the inclusion of children and young people with ALN (report to Cabinet, December 2011)

Appendix 1- Well-being and future of generations (Wales) Act 2015 assessment

Project Description (key aims): The proposal to open a learning resource center (LRC) for pupils with a diagnosis of autistic spectrum disorder (ASD) at Pencoed Primary School	
Section 1	Complete the table below to assess how well you have applied the 5 ways of working.
Long-term (The importance of balancing short term needs with the need to safeguard the ability to also meet long term needs)	<p>1. How does your project / activity balance short-term need with the long-term and planning for the future?</p> <p>Affords pupils with a diagnosis of ASD a place in a school as near to their home as possible. Provides additional places required to meet the needs of an increase in diagnosis of pupils with ASD.</p>
Prevention (How acting to prevent problems occurring or getting worse may help public bodies meet their objectives)	<p>2. How does your project / activity put resources into preventing problems occurring or getting worse?</p> <p>Provision of locally based LRC's enables pupils to be educated as part of the graduated response as stipulated in the ALN Code of Practice and ultimately preventing being placed out-of-authority.</p>
Integration (Considering how the public body's well-being objectives may impact upon each of the wellbeing goals, on their objectives, or on the objectives of other public bodies)	<p>3. How does your project / activity deliver economic, social, environmental & cultural outcomes together?</p> <p>The ASD LRC is key in ensuring that pupils with a diagnosis of ASD have access to mainstream education experiences with their peers and also have the opportunity to reintegrate into mainstream where appropriate. The opening of a LRC ensures sustainable education for a pupil with ASD. There are also efficiencies related to this proposal as the cost of an out-of-authority place far outweighs the cost of opening a LRC locally.</p>

<p>Collaboration</p> <p>(Acting in collaboration with any other person (or different parts of the body itself) that could help the body meet its well-being objectives)</p>	<p>4. How does your project / activity involve working together with partners (internal and external) to deliver well-being objectives?</p> <p>There is excellent collaboration between the local authority with schools that have LRC's. The Inclusion Service provides on-going support, advice and guidance to all schools</p>
<p>Involvement</p> <p>(The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves)</p>	<p>5. How does your project / activity involve stakeholders with an interest in achieving the well-being goals? How do those stakeholders reflect the diversity of the area?</p> <p>The child's voice is important and this is achieved during review meetings through a person centred planning (PCP) approach. Parental partnership and working in partnership with other stakeholders such as Health is fundamentally important in order to meet the individual child's needs. The local authority liaises with the schools to ensure that there are clear and regular lines of communication with parents and carers in the best interest of the child.</p>

Section 2 Assess how well your project / activity will result in multiple benefits for our communities and contribute to the national well-being goals (use Appendix 1 to help you).		
Description of the Well-being goals	How will your project / activity deliver benefits to our communities under the national well-being goals?	Is there any way to maximise the benefits or minimise any negative impacts to our communities (and the contribution to the national well-being goals)?
<p>A prosperous Wales An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.</p>	<p>The proposed LRC will be opened and pupils from the local community will be able to access and therefore reduce travel times and distances in some circumstances</p>	<p>The impact on local communities will be monitored</p>
<p>A resilient Wales A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<p>Pupils who live locally may prefer to walk or taken by parents to their local LRC as opposed to be taken by the transport provided.</p>	<p>The impact on local communities will be monitored</p>
<p>A healthier Wales A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.</p>	<p>The opening of the LRC would afford provision for pupils with a diagnosis of ASD and therefore their needs met in the most appropriate way. This also prepares them for life-long learning.</p>	<p>The impact on local communities will be monitored</p>

<p>A more equal Wales A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).</p>	<p>The opening of the LRC promotes equality of opportunity for pupils with a diagnosis of ASD to fulfil their potential.</p>	<p>The impact on local communities will be monitored</p>
<p>A Wales of cohesive communities Attractive, viable, safe and well-connected communities.</p>	<p>The opening of the LRC promotes opportunities for the young people to be well connected into their local community</p>	<p>The impact on local communities will be monitored</p>
<p>A Wales of vibrant culture and thriving Welsh language A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>	<p>These aspects will be promoted through the LRC being attached to a mainstream school.</p>	<p>The impact on local communities will be monitored</p>
<p>A globally responsible Wales A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<p>Learners attending the LRC to improve their wellbeing and progress are predicted to make a positive contributions to the local, regional and national economies of Wales.</p>	<p>The impact on local communities will be monitored</p>

Section 3		Will your project / activity affect people or groups of people with protected characteristics? Explain what will be done to maximise any positive impacts or minimise any negative impacts	
Protected characteristics	Will your project / activity have any positive impacts on those with a protected characteristic?	Will your project / activity have any negative impacts on those with a protected characteristic?	Is there any way to maximise any positive impacts or minimise any negative impacts?
Age:	Yes	No	Service delivery will be monitored
Gender reassignment:	Only if they meet the eligibility criteria for the provision	No	Service delivery will be monitored
Marriage or civil partnership:	Only if they meet the eligibility criteria for the provision	No	Service delivery will be monitored
Pregnancy or maternity:	Only if they meet the eligibility criteria for the provision	No	Service delivery will be monitored
Race:	Only if they meet the eligibility criteria for the provision	No	Service delivery will be monitored
Religion or Belief:	Only if they meet the eligibility criteria for the provision	No	Service delivery will be monitored
Sex:	Yes	No	Service delivery will be monitored
Welsh Language:	Only if they meet the eligibility criteria for the provision	No	Service delivery will be monitored

Section 4	Identify decision meeting for Project/activity e.g. Cabinet, Council or delegated decision taken by Executive Members and/or Chief Officers
Compiling Officers Name:	Michelle Hatcher
Compiling Officers Job Title:	Group Manager Inclusion and School Improvement
Date completed:	6 June 2018

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

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

CWMFELIN PRIMARY SCHOOL CAPITAL PROJECT

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval from Cabinet to recommend to Council a revision to the Capital Programme for 2018 to 2028 to include a budget of £165,000 for the build of a new classroom at Cwmfelin Primary School.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate priorities:-

Supporting a successful economy - taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

Smarter use of resources - ensuring that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 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.

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

- 3.3 The principles which are particularly relevant 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”).

4. Current situation

- 4.1 Despite staff making best use of the school premises, the insufficient size of classroom spaces at Cwmfelin Primary is putting pressure on teaching and learning opportunities for the school.
- 4.2 The authority has recognised that the school needs additional space to aid the delivery of the foundation phase and undertake interventions.
- 4.3 There have been a number of options considered to provide additional space at the school. However the options, which included the transfer of a mobile classroom from Betws Primary, internal adaptations to an existing mobile classroom and a new build single or double classroom, were all cost prohibitive.
- 4.4 A scheme has since been developed for provision of accommodation suitable for groups of 20, which meets the school’s needs. It is proposed to proceed on the basis of providing this space as a new build on an area of land close to the nursery building on the school site. This provision will provide the school with the much needed additional space.
- 4.5 This additional space will ease pressure on existing classes and support the delivery of interventions and group work. It is not anticipated that any additional classroom space will be required in the near future, as projected demographic growth is relatively low in this school’s catchment area. There is therefore no proposal to increase the published admission number for the school as a result of this proposal.
- 4.6 This minimal enlargement does not require a statutory procedure as prescribed within the School Organisation Code.

5. Effect upon Policy Framework & Procedure Rules.

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

6. Equality Impact Assessment

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

7. Well-being of Future Generations (Wales) Act 2015 Assessment

- 7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment (appendix 1) provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long-term	Supports the improvement of standards and outcomes in schools.
-----------	--

Prevention	Provision of places at schools is reviewed on an annual basis to ensure there is a sufficient supply of places and suitable accommodation to deliver the curriculum effectively.
Integration	Providing sufficient places ensures that the curriculum can be delivered and meets the social, environmental and cultural objectives.
Collaboration	The local authority works effectively with schools, Estyn and with the Central South Consortium (CSC).
Involvement	This area of work involves all stakeholders within the school (staff and pupils) and nearby residents.

8. Financial Implications

- 8.1 The estimated cost of the project to provide a new build classroom space to accommodate 20 pupils is £165,000.
- 8.2 An Earmarked Reserve budget of £150,000 has been established for this scheme.
- 8.3 It has been agreed that the estimated shortfall of £15,000 will be funded on a 50:50 shared basis between the school and the Education and Family Support Directorate. The Directorate's contribution of £7,500 will be met from the school modernisation capital retention budget.
- 8.4 The school will receive an additional delegated revenue budget allocation for the increase in floor area through formula funding following completion/handover which will be met from the overall schools' delegated budget.

9. Recommendation

- 9.1 Cabinet is recommended to give approval for a report to be submitted to Council for approval to amend the Capital Programme to include a budget of £165,000 to fund the new build classroom space at Cwmfelin Primary, to be met from earmarked reserves, the school and Education and Family Support Directorate budgets.

Lindsay Harvey and Gill Smith
Interim Corporate Director – Education and Family Support and Interim Head of Finance and Section 151 Officer
19 June 2018

Contact Officer: Nicola Echanis
Head of Education and Early Help

Telephone: (01656) 642611

Email: anne.whittome@bridgend.gov.uk

Postal address: Education and Family Support
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents:

Cabinet Report 3rd March 2015: "PRINCIPLES DOCUMENT"

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"

MTFS Report to Council – 28 February 2018

Well-being of Future Generations (Wales) Act 2015 Assessment

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015 ASSESSMENT

Project Description (key aims): Additional accommodation for Cwmfelin Primary School – Capital Project

Section 1 Complete the table below to assess how well you have applied the 5 ways of working.

<p>Long-term</p> <p>(The importance of balancing short term needs with the need to safeguard the ability to also meet long term needs)</p>	<p>1. How does your project / activity balance short-term need with the long-term and planning for the future?</p> <p>The additional classroom space, which will provide an additional 20 places, will help ease overcrowding in existing teaching areas and meet a short term need. In the long term, a review of educational places in the Llynfi valley will be undertaken to assess need for future places and to inform future bands of the School Modernisation programme.</p>
<p>Prevention</p> <p>(How acting to prevent problems occurring or getting worse may help public bodies meet their objectives)</p>	<p>2. How does your project / activity put resources into preventing problems occurring or getting worse?</p> <p>Provision of places at schools is reviewed on an annual basis to ensure there is a sufficient supply of places and suitable accommodation to deliver the curriculum effectively. The additional classroom space will allow the school to reduce class sizes, therefore if pupil number increase, there would be space to accommodate additional children.</p>
<p>Integration</p> <p>(Considering how the public body's well-being</p>	<p>3. How does your project / activity deliver economic, social, environmental & cultural outcomes together?</p> <p>Providing sufficient places ensures that the curriculum can be delivered and meets the social, environmental and cultural objectives. The construction of the new classroom will be competitively tendered, thereby achieving best value for money, potentially providing opportunities for local SMEs to tender for the</p>

<p>objectives may impact upon each of the wellbeing goals, on their objectives, or on the objectives of other public bodies)</p>	<p>construction, which would support economic activity.</p>
<p>Collaboration (Acting in collaboration with any other person (or different parts of the body itself) that could help the body meet its well-being objectives)</p>	<p>4. How does your project / activity involve working together with partners (internal and external) to deliver well-being objectives?</p> <p>The local authority works effectively with schools, Estyn and with the Central South Consortium (CSC). Officers will work with technical colleagues developing the scheme to ensure that the building design is sustainable and energy efficient.</p>
<p>Involvement (The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves)</p>	<p>5. How does your project / activity involve stakeholders with an interest in achieving the well-being goals? How do those stakeholders reflect the diversity of the area?</p> <p>This area of work involves all stakeholders within the school (governors, staff and pupils) and the local community.</p>

Section 2		
Assess how well your project / activity will result in multiple benefits for our communities and contribute to the national well-being goals (use Appendix 1 to help you).		
Description of the Well-being goals	How will your project / activity deliver benefits to our communities under the national well-being goals?	Is there any way to maximise the benefits or minimise any negative impacts to our communities (and the contribution to the national well-being goals)?
<p>A prosperous Wales An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.</p>	<p>The construction company could potentially be a locally based organisation. This company has to adhere to sustainability strategies developed for construction and meet targets for recycling. They are also expected to provide community benefits on each project. This could include providing employment and work experience work opportunities as appropriate.</p>	<p>We would maximise the benefits by ensuring that certain key aspects are detailed within the construction contract.</p>
<p>A resilient Wales A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<p>The scheme will be developed to ensure that there is no adverse impact on the environment.</p>	<p>N/A</p>
<p>A healthier Wales A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.</p>	<p>The improved school environment for pupils and staff encourages physical and mental well-being.</p>	<p>Ensuring the building is designed to current regulations.</p>

<p>A more equal Wales A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).</p>	<p>Cwmfelin Primary will continue to be an all-inclusive school and promote opportunities to all pupils for them to learn, develop and reach their full potential.</p>	<p>Ensure the building design is fully inclusive.</p>
<p>A Wales of cohesive communities Attractive, viable, safe and well-connected communities.</p>	<p>Cwmfelin Primary will continue to promote opportunities to engage the community in school life and promote the ethos that the school is the heart of the community.</p>	<p>Improved facilities at the school presents opportunity for increased community use.</p>
<p>A Wales of vibrant culture and thriving Welsh language A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>	<p>Cwmfelin Primary will continue to promote the importance of the Welsh language, heritage and culture.</p>	<p>This facility enables the school to better deliver the full curriculum which would include Welsh, its culture and heritage.</p>
<p>A globally responsible Wales A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<p>It is likely that materials specified may be sourced outside of Wales, thereby support the global economy.</p>	<p>In order to minimise any negative impact, we would seek to ensure that the majority of materials are available from Welsh suppliers.</p>

Section 3		Will your project / activity affect people or groups of people with protected characteristics? Explain what will be done to maximise any positive impacts or minimise any negative impacts	
Protected characteristics	Will your project / activity have any positive impacts on those with a protected characteristic?	Will your project / activity have any negative impacts on those with a protected characteristic?	Is there any way to maximise any positive impacts or minimise any negative impacts?
Age:	Yes	No	Ensure improved school environment for pupils
Gender reassignment:	No	No	N/A
Marriage or civil partnership:	No	No	N/A
Pregnancy or maternity:	No	No	N/A
Race:	No	No	N/A
Religion or Belief:	No	No	N/A
Race:	No	No	N/A
Sex:	No	No	N/A
Welsh Language:	No	No	N/A

Section 4	Identify decision meeting for Project/activity e.g. Cabinet, Council or delegated decision taken by Executive Members and/or Chief Officers
Compiling Officers Name:	Nicola Echanis
Compiling Officers Job Title:	Head of Education and Early Help
Date completed:	12 th June 2018

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

20 JUNE 2018

REPORT OF THE MONITORING OFFICER

RE-ALLOCATION OF THE COUNCIL'S SCHEME OF DELEGATION OF FUNCTIONS RELATING TO THE OPERATIONAL AND PARTNERSHIP SERVICES DIRECTORATE

1. Purpose of Report.

- 1.1 The purpose of the report is to seek Cabinet's approval for the transfer of Executive functions within the Scheme of Delegation of Functions currently allocated to the Corporate Director Operational and Partnership Services.

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

- 2.1 The effective operation of the Council's Scheme of Delegation of Functions supports the achievement of all Corporate Priorities.

3. Background.

- 3.1 Members will be aware that the Corporate Director Operational and Partnership Services and Solicitor to the Council has left the Authority as part of the ongoing senior management restructure. The Group Manager Legal and Democratic Services/Deputy Monitoring Officer has been appointed by Council to undertake the functions of Solicitor to the Council and Monitoring Officer. The Authority is required to appoint to the role of Monitoring Officer by virtue of Section 5 of the Local Government and Housing Act 1989.
- 3.2 The Determining Member Committee has approved the deletion of the post of Corporate Director and Operational and Partnership Services.

4. Current situation / proposal.

- 4.1 In order to maintain effective decision making processes, it is proposed that all Executive Functions in Schemes B1 and B2 of the Council's Scheme of Delegation of Functions allocated to the Corporate Director Operational and Partnership Services be re-allocated to the Monitoring Officer with the exception of those functions outlined at paragraph 4.2.
- 4.2 It is recommended that the following Cabinet Functions be re-allocated to the Chief Executive. It will allow him to sub-delegate to appropriate officers and facilitate effective decision making:

To determine the award of Mandatory Disabled Facilities Grants and all Discretionary Grants and Loans, and to determine the payment of reasonable and appropriate fees in connection therewith, in accordance with the Private Sector Housing Renewal & Disabled Adaptations Policy, with the exception of the award of Discretionary Disabled Facilities Lifetime Grant.

	To authorise, in appropriate circumstances, the waiver of the prior qualifying period for owner-occupiers and tenants specified in the Bridgend County Borough Council Private Sector Housing Renewal Policy in relation to applications for the various types of grant contained therein.
	To make discretionary awards to prevent the homelessness of those persons to whom the Authority would otherwise owe a duty to accommodate in accordance with legislation.
	To consider and adjust the professional fees payable to agents engaged by applicants for any grants administered under the Bridgend County Borough Council Private Sector Housing Renewal Policy.
	To adjust grant payments in respect of any statutory grants approved under the Local Government and Housing Act 1989 or the Housing Grants, Construction and Regeneration Act 1996 and any non-statutory grants approved under the Bridgend County Borough Council Private Sector Housing Renewal Policy where: <ul style="list-style-type: none"> (a) Additional works are considered to be necessary which could not have been foreseen at the time of initial approval of the grant; (b) Works which were included in the initial approval have been found to be unnecessary.

4.3 From an operational perspective, existing procedures for the use of delegated powers i.e. continue to use the RES designation for the decision referencing system would be maintained.

4.4 A report will be presented to Council proposing similar changes to the Scheme of Delegation of Functions for the Council decisions within Schemes B1 and B2.

5. Effect upon Policy Framework & Procedure Rules.

5.1 The provisions and recommendations of the report accord with the Council's Constitution.

6. Equality Impact Assessment.

6.1 There are no equality implications arising from this report.

7. Wellbeing of Future Generations (Wales) Act 2015 Implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial Implications.

8.1 None.

9. Recommendations.

Cabinet is recommended to:

- 9.1 Approve the transfer of Executive functions within the Council's Scheme of Delegation of Functions from the Corporate Director Operational and Partnership Services to the Monitoring Officer;
- 9.2 Approve the transfer of Executive functions outlined at paragraph 4.2 from the Corporate Director Operational and Partnership Services to the Chief Executive;
- 9.3 Note that a report will be presented to Council proposing a similar change to the Scheme of Delegation of Functions for Council decisions.

P A Jolley
Corporate Director Operational and Partnership Services
June 2018

Contact Officers: **Andrew Rees & Mark Galvin**
Senior Democratic Services Officers - Committees

Telephone: (01656) 643147 / 643148

E-mail: Andrew.rees@bridgend.gov.uk
Mark.galvin@bridgend.gov.uk

Postal Address Bridgend County Borough Council,
Civic Offices,
Angel Street,
Bridgend.
CF31 4WB

Background documents: None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

REVISED CONTRACT PROCEDURE RULES

1. Purpose of Report .

1.1 The purpose of this report is to seek approval from Cabinet:

- for the revised Contract Procedure Rules to take effect from 1st August 2018; and
- for the Scheme of Delegation in relation to Executive Functions to be amended in accordance with paragraph 4.8 of this Report;
- to note that a report will be taken to Council to amend the Constitution to incorporate the amendments to the CPRs.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 This report assists in the achievement of the following corporate priority:-

Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities. Deliver services more efficiently. Focus on collaboration and partnership in the delivery of services and maintain strong and sustainable financial performance. Contract Procedure Rules are the internal regulations which govern how contracts for goods, services and works are let. They offer standard procedures which aim to safeguard the Council in terms of risk and compliance with UK and European legislation.

3. Background.

3.1 The Council is in the process of a corporate procurement review. As part of the review, the Contract Procedure Rules, which form part of the Council Constitution, have been reviewed and updated.

3.2 The Contract Procedure Rules contain the rules and guidelines for procuring goods, services and works. They are designed to ensure compliance with UK and European law, ensure best practice is followed and best value is achieved in the use of public funds.

3.3 Due to the implementation of the Public Contract Regulations 2015, our Contract Procedure Rules need to be updated to ensure they are fit for purpose and are compliant with the new Legislation.

3.4 During the review of the Contract Procedure Rules key officers involved in the procurement of goods, services and works have been consulted.

4. Current situation / proposal.

4.1 A number of changes have been made to the existing Contract Procedure Rules to ensure compliance with the provisions of the Public Contracts Regulations 2015 and to modernise the way we procure goods, services and works. A copy of the revised Contract Procedure Rules is attached to this report at Appendix 5.

The key changes are highlighted in 4.2 to 4.21 below:

4.2 Updated titles of Officers and Chief Officers throughout.

4.3 Exemptions and waivers not exceeding £100,000 require a Delegated Power. Exemptions and waivers above this threshold require a Cabinet report.

4.4 Additional section on modification of contracts is now included, in line with the Public Contracts Regulation 2015.

4.5 Selective tendering updated to include the use of Constructionline for buying 'Works'.

4.6 Updated mandatory clauses to be included in all contracts such as Welsh Language, Employment Legislation, Anti-Slavery and Human Trafficking Laws and Equality and Diversity.

4.7 Thresholds for goods and services updated and increased to allow for greater flexibility and reduced timescales for tendering.

4.8 The following amendments will be required to the Council's Scheme of Delegation in relation to Executive Functions as set out below:

Scheme A

1.2	<p>In respect of any contract having an estimated value exceeding £1,000,000 but not exceeding £5,000,000:</p> <p>(a) To authorise the invitation of tenders;</p> <p>(b) To accept the most economically advantageous tender received and enter into a Contract (form of tender), or the highest tender received where payment is to be received by the Council and enter into a Contract.</p> <p>(c) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any exemption under the Council's Contract Procedure Rules.</p> <p>(d) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any permitted waiver under the Council's</p>
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	Contract Procedure Rules.
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Scheme B2

1.3	<p>In respect of any contract having an estimated value not exceeding £1,000,000:</p> <p>(a) To authorise the invitation of tenders;</p> <p>(b) To accept the most economically advantageous tender received and enter into a Contract, or the highest tender received where payment is to be received by the Council and enter into a Contract.</p> <p>(c) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any exemption under the Council's Contract Procedure Rules.</p> <p>(d) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any permitted waiver under the Council's Contract Procedure Rules.</p>
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- 4.9 Thresholds for 'works' increased to allow for greater flexibility and reduced timescales.
- 4.10 Pre-Tender market research now included, in line with the Public Contracts Regulation 2015.
- 4.11 Additional procurement procedures included, in line with the Public Contracts Regulation 2015.
- 4.12 Electronic tendering now supersedes paper tendering
- 4.13 Thresholds for opening tenders with cabinet and committee in line with new financial thresholds.
- 4.14 Threshold for opening tenders with the Mayor present has increased to £1 million.
- 4.15 The Form of Tender attached at Appendix 3 to this Report is to be used for all contracts not exceeding £500,000 and must be signed by the Appropriate Chief Officer of the Council and the successful bidder with both parties retaining a copy. The Form of Tender shall constitute the contract where the value does not exceed £500,000 except in the situations set out in the Contract Procedure Rules.
- 4.16 Sealing of contracts threshold increased to £500,000.
- 4.17 Record and document retention updated in line with the corporate retention periods.
- 4.18 Contract management rules are now included.

- 4.19 Corporate Contracts Register rules are now included.
- 4.20 The following documents are now attached as appendices to the Contract Procedure Rules :
- Summary of Advertising (attached at Appendix 1 to this report)
 - Pre-Tender Client Information Sheet (attached at Appendix 2 to this report).
 - Form of Tender (attached at Appendix 3 to this report)
 - Procurement Report Contents Checklist (attached at Appendix 4 to this report),
- 4.21 The use of electronic signatures in certain situations is now provided for in the Contract Procedure Rules.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 The revised Contract Procedure Rules are mandatory for all commissioning/procurement staff to comply with. The Contract Procedure Rules are a fundamental part of the Council's Constitution.

6. Equality Impact Assessment

- 6.1 There are no direct equality implications of this report.

7. Well-being of Future Generations (Wales) Act 2015 Implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial Implications.

- 8.1 There are no financial implications regarding this report.

9. Recommendation.

- 9.1 It is recommended that Cabinet:
- (i) approve the revised Contract Procedure Rules attached as Appendix 5 to take effect from 1st August 2018 ;
 - (ii) approve that the Scheme of Delegation in relation to Executive Functions be amended in accordance with paragraph 4.8 of this Report;
 - (iii) Note that a report will be taken to Council to amend the Constitution to incorporate the amendments to the CPRs.

P A Jolley
Corporate Director Operational and Partnership Services
23 May 2018

Contact Officer: Rachel Jones
Corporate Procurement Manager

Telephone: (01656) 642596

Email: rachel.jones2@bridgend.gov.uk

Postal address: Corporate Procurement
Operational and Partnership Services
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents:
None

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Bridgend County Borough Council

Contract Procedure Rules

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1. Interpretation

In these Contract Procedure Rules:-

“the Cabinet” means the Executive established under Part II of the Local Government Act 2000.

“the Cabinet Functions” means the functions for which the Cabinet is responsible.

“the Cabinet Members” means the Executive Leader and the members of the executive.

“the Appropriate Chief Officer” means whichever of the following is responsible in any particular case for inviting tenders or placing an official order:-

- The Chief Executive
- The Corporate Director – Operational and Partnership Services
- The Corporate Director – Education and Family Support
- The Corporate Director – Social Services and Wellbeing
- The Corporate Director – Communities.

This definition also includes any Officer to which functions have been delegated under the Council’s Scheme of Delegation

“the Appropriate Body” means the Cabinet, and any committee, panel or other body to which power has been delegated to accept tenders for Contracts of the category for which tenders are to be or have been invited.

“the Chief Audit Officer” means the Head of Audit Service for the Council.

“the Chief Finance Officer” means the nominated Section 151 officer under the Local Government Act 1972 for the time being having statutory responsibility for the administration of the Council's financial affairs.

“Community Benefits” shall include any benefit to the local community which does not directly positively impact on the operation of the Council. This can include the provision of additional facilities/resources or the training of primarily inactive people through programmes which may include apprenticeships. “Core” benefits are those which are directly related to the purpose of the Contract and can be measured as an outcome. “Non-Core” benefits are those which are not essential in the delivery of the service and will not be assessed as part of the tender evaluation process.

“Contract” means any form of Contract or agreement entered into by the Council with any other party for the supply of goods, services or works, or any combination thereof.

“Contractor” means any person or organisation that undertakes a Contractual relationship with the Council.

“Contract Value” means the total value of the Contract over the whole term of the Contract. If there is no total price then the value of the Contract is to be calculated on the expected aggregate spend over the four year period, if there is no fixed term for the Contract. In the case where there is a Contract term but no total price then the value of the Contract is to be calculated on the expected expenditure over the whole Contract period, in accordance with the Public Contracts Regulations 2015. All Contract values are exclusive of VAT.

The “Corporate Procurement Manager” means the lead Officer for the Corporate Procurement Unit, who has functional responsibility for the delivery of Procurement strategy and guidance.

“Corporate Contracts Register” means a live database of contracts let by the Council.

“Data Protection Legislation” means (i) the GDPR and any applicable national implementing Law, as amended from time to time; (ii) the Data Protection Act 2018 (subject to Royal Assent) to the extent that it relates to processing of personal data and privacy; and (iii) all applicable Law about the processing of personal data and privacy;

“EU” means the European Union.

“Form of Tender” means a covering document signed by the tenderer to indicate that it understands the tender and accepts various terms and conditions and other requirements of participating in the exercise a copy of which is attached at Appendix 3 to these Contract Procedure Rules

“Framework Agreement” means an agreement between one or more Contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing Contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

“GDPR” means the General Data Protection Regulation (Regulation (EU) 2016/679);

“Internal Providers” means an organisation managed, funded and staffed by the Council, which provides a service to various directorates and schools as its core business.

“the Monitoring Officer” means the officer for the time being designated as such under Section 5 of the Local Government and Housing Act 1989.

“Most Economically Advantageous Tender” (MEAT) means criterion which enables the Council to take account of criteria that reflect qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision

“Parties” means collectively the Council and any other party or more than one party entering into a Contract or agreement.

“Pre-tender Client Information Sheet” means a document that requires completion by the client before going out to tender or to obtain quotations a copy of which is attached at Appendix 2 to these Contract Procedure Rules.

"Trade Journal" means a newspaper or journal circulating among such persons or bodies as undertake Contracts of the category for which tenders are to be invited.

Words importing the singular shall include the plural and vice versa.

Any reference to any statutory provision shall include reference to any statutory modification amendment or re-enactment thereof and any subordinate legislation made under them.

2. COMPLIANCE WITH CONTRACT PROCEDURE RULES AND RELEVANT EUROPEAN AND UK LEGISLATION

2.1 Every Contract for the sale, purchase or hire of goods by or the carrying out of works or provision of services for the Council shall comply with:

(a) the Council’s Constitution, including in particular Financial Procedure Rules, Scheme of Delegation, Council’s Contract Procedure Rules and the Corporate Procurement Strategy;

(b) all relevant statutory provisions including in particular, but not limited to, the Local Government Act 1988 Part II, the Local Government (Contracts) Act 1997, the Local Government Act 1999 Part I, and the Public Contracts Regulations 2015

(c) Achieve Value for Money for public money spent (Most Economically Advantageous Tender);

(d) Be consistent with the highest standards of integrity, having regard to The Bribery Act 2010 and The Competition Act 1998

(e) Ensure fairness in allocating public Contracts;

(f) Comply with all legal requirements_in particular_any relevant EU law, EU Treaty, and EU public procurement Directives as implemented in the legislation of England and Wales;

(g) Comply with the Equality Act 2010;

(h) Comply with the Modern Slavery Act 2015

(i) Comply with relevant employment legislation

(j) Support the Council’s corporate and departmental aims and policies and Comply with any council policy

(k) Comply with Data Protection Legislation

(l) Apply the Welsh Government approved Supplier Qualification Information Database (SQuID) approach as standard to Supplier selection

- 2.2 For the avoidance of doubt, the Appropriate Chief Officer shall ensure that where the estimated Contract Value or amount of a proposed Contract (or series of Contracts) is likely to be equal to or to exceed the thresholds set by the EU for the public procurement Contracts referred to in Rule 2.1 above, then the tendering procedures to be adopted must be in accordance with the relevant EU Directive, and any statutory provision relating thereto.
- 2.3 Where an invitation to tender is in excess of £100,000 for goods and services and £250,000 for works the appropriate Service budget holder shall prepare the relevant part of the Pre-tender Client Information Sheet and submit to the Corporate Procurement Manager and Chief Finance Officer for approval.
- 2.4 The procurement of goods, services or works shall not be divided into more than one Contract where that would result in the avoidance of the Contract Procedure Rules or would affect the application of the Contract Procedure Rules. This Rule shall, however, not be construed as to avoid the requirements relating to “lots” under the Public Contracts Regulations 2015.
- 2.5 The procurement of goods, services and works shall not be artificially over estimated or under-estimated which would result in either the avoidance of the Contract Procedure Rules or which would affect the application of the Contract Procedure Rules.
- 2.6 It shall be a condition of Contract between the Council and any person (not being an Officer of the Council) who is required to supervise a Contract on its behalf that, in relation to such Contract, s/he shall comply with the requirements of these Contract Procedure Rules and the Council's Financial Procedure Rules as if s/he were an Appropriate Chief Officer.
- 2.7 The Monitoring Officer with the agreement of the Chief Finance Officer may issue procurement guidance or protocols, and all Chief Officers and any person who is required to supervise a Contract on behalf of the Council shall have due regard to any such guidance or protocol.
- 2.8 The award of work to Internal Providers is not covered by or subject to these Rules. Any work subsequently awarded by the internal provider to Sub-Contractors will be let in accordance with these Contract Procedure Rules.
- 2.9 Any failure by officers to comply with any of the provisions of these Contract Procedure Rules or associated guidance adopted by the Council may result in disciplinary action.
- 2.10 Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council’s Scheme of Delegation contained within the Council’s Constitution.

3. EXEMPTIONS AND WAIVER

Exemptions

- 3.1 Exemption from any of the following provisions of these Contract Procedure Rules may be made:-
 - 3.1.1 In an emergency situation in which injury or damage to persons or property is threatened in which case the Appropriate Chief Officer may take any necessary action but must report the circumstances and the action taken to the next meeting of the Appropriate Body.
 - 3.1.2 For the acquisition or disposal of land, unless it involves a development agreement which would require a tender process.
 - 3.1.3 In the case of Contracts for services entered into in pursuance of powers under the National Health Service and Community Care Act 1990, the Children Act 1989 , Children's (Leaving Care) Act 2000 for the benefit of an individual client, the Corporate Director Social Services and Wellbeing, insofar as it is consistent with the law, will make appropriate arrangements for provision.
 - 3.1.4 In the case of professional arrangements between the Councils Solicitor and Counsel or external Solicitors, the Corporate Director - Operational and Partnerships Services will not be expected to comply with the requirements of this Rule when instructing and briefing Counsel or Solicitors. The Corporate Director - Operational and Partnerships Services will make arrangements to ensure that a record is kept of all such instructions or briefs together with a record of Counsel's/ Solicitors fees.
 - 3.1.5 Where goods, services and works are procured by another public body on behalf of the Council or through collaborative arrangements awarded via the National Procurement Service or by the Council through a Contract properly let by another such organisation, then those organisations Procurement / Contract Procedure Rules will apply subject to compliance with European Union and Procurement Law of England and Wales.
 - 3.1.6 Where a tendering procedure is prescribed by legislation.
 - 3.1.7 For the carrying out of security works where the publication of documents in accordance with the tendering procedure could prejudice the security of the work to be done, provided the method of tendering has been approved by the Appropriate Body.
 - 3.1.8 Contracts which can only be performed by a statutory undertaker.
 - 3.1.9 Employment Contracts which make an individual a direct employee of the Council.

- 3.1.10 Contracts between entities within the public sector as prescribed in Regulation 12 of the Public Contracts Regulations 2015, including those Contracts where Regulation 12 would be applicable if the Contract Value was not below the financial thresholds specified in or by the Public Contracts Regulations 2015.
- 3.2 Waiver from obtaining quotations or tendering will only apply to the criteria listed in Rules 3.2.1 to 3.2.9 below and any waiver must be obtained, either:
- (a) in respect of any new Contract or the modification of an existing Contract (including any extension of a Contract) from the Appropriate Body where the value of the Contract or modification of a Contract exceeds £100,000; or
- (b) in respect of any new Contract or the modification of an existing Contract (including any extension of a Contract) in accordance with the Council's Scheme of Delegations where the value of the Contract or modification of Contract does not exceed £100,000
- 3.2.1 Where no quotes or tenders have been received in response to the Council's procedure for obtaining competitive offers. This is to include the open procedure, restricted procedure, Competitive Dialogue, Competitive Procedure with Negotiation, Innovative Partnerships procedures where procurement falls within the scope of the Public Contract Regulations 2015 which implement EU Procurement Directives.
- 3.2.2 The Contract involved is purely for the purpose of research, experiment, study or development under the conditions stated in the Public Contract Regulations 2015 which implement EU Procurement Directives
- 3.2.3 The works/goods/services can be provided only by a particular Tenderer. Single tender procedure shall only be permitted when a single firm or Contractor or a proprietary item or service of a special character is required and justified and is due to the needs of the service .
- 3.2.4 Extreme urgency brought about by events unforeseeable by the Council and in accordance with the strict conditions contained in the Public Contracts Regulations 2015 which implement EU Procurement Directives.
- 3.2.5 New works/services, constituting a repetition of existing works/services and ordered in accordance with the strict conditions contained in the Public Contract Regulations 2015 which implement EU Procurement Directives, subject to approval in accordance with Rule 3.4
- 3.2.6 A Contract awarded to the successful tenderer or one of them after a design contest.
- 3.2.7 For supplies quoted and purchased on a commodity market.
- 3.2.8 For the purchase of supplies on particularly advantageous terms from a Supplier which is definitely winding up its business activities, or from the receivers or liquidators of an insolvency, bankruptcy, an arrangement with creditors or a similar procedure.

3.2.9 Contracts and frameworks agreements may be modified without the requirement for a new procurement procedure in accordance with any of the following Rules:

3.2.9.1 Where the modifications in a Contract or Framework Agreement have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses:

- (a) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and
- (b) do not provide for modifications or options that would alter the overall nature of the Contract or the Framework Agreement;

3.2.9.2 Subject to Rule 3.2.9.7 and Rule 3.2.9.8 where the modification(s) in a Contract or Framework Agreement is for additional works, services or supplies by the original Contractor that have become necessary and were not included in the initial procurement, and where a change of Contractor:

- (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and
- (ii) would cause significant inconvenience or substantial duplication of costs for the Council,

provided that any increase in price does not exceed 50% of the value of the original Contract;

For the purpose of the calculation of the price the updated figure shall be the reference figure when the Contract includes an indexation clause.

3.2.9.3 Where all of the following conditions are fulfilled:

- (i) the need for modification has been brought about by circumstances which the Council having been duly diligent could not have foreseen;
- (ii) the modification does not alter the overall nature of the Contract;
- (iii) any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement.

For the purpose of the calculation of the price the updated figure shall be the reference figure when the Contract includes an indexation clause.

3.2.9.4 Where a new Contractor replaces the one to which the Council had initially awarded the Contract as a consequence of:

- (i) an unequivocal review clause or option in conformity with Rule 3.2.9.1, or
- (ii) universal or partial succession into the position of the initial Contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the Contract and is not aimed at circumventing the application of the Public Contract Regulations 2015;

3.2.9.5 Where the modifications, irrespective of their value, are not substantial.

A modification shall be considered substantial where one or more of the following conditions is met:

- (a) the modification renders the Contract or the Framework Agreement materially different in character from the one initially concluded; or
- (b) the modification introduces conditions which, had they been part of the initial procurement procedure, would have—
 - (i) allowed for the admission of other candidates than those initially selected,
 - (ii) allowed for the acceptance of a tender other than that originally accepted, or
 - (iii) attracted additional participants in the procurement procedure;
- (c) the modification changes the economic balance of the Contract or the Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement;
- (d) the modification extends the scope of the Contract or Framework Agreement considerably;
- (e) a new Contractor replaces the one to which the Contracting authority had initially awarded the Contract in cases other than those provided for in Rule 3.2.9.4

3.2.9.6 Where the value of the modification is below both of the following values:—

- (a) the relevant applicable financial thresholds contained in the Public Contracts Regulations 2015, and

- (b) 10% of the initial Contract Value for service and supply Contracts and 15% of the initial Contract Value for works Contracts,

provided that the modification does not alter the overall nature of the Contract or Framework Agreement.

Where several successive modifications are made, the value shall be the net cumulative value of the successive modifications and the updated figure shall be the reference figure when the Contract includes an indexation clause.

3.2.9.7 Where several successive modifications are made:—

- (a) the limitations imposed by the proviso at the end of Rule 3.2.9.2 and by Rule 3.2.9.3 (iii) shall apply to the value of each modification; and
- (b) such successive modifications shall not be aimed at circumventing the Public Contracts Regulations 2015.

3.2.9.8 Where the Council has modified a Contract in accordance with Rule 3.2.9.2 or Rule 3.2.9.3 the Council is required to send a notice to that effect, in accordance with Regulation 51 of the Public Contracts Regulations 2015 for publication. Such a notice shall contain the information set out in part G of Annex 5 to the Public Contracts Directives.

Notification of Waiver

- 3.3. If the Chief Officer is seeking from the Appropriate Body a waiver from the Council's Contract Procedure Rules under Rule 3.2, the report to the Appropriate Body shall set out the reason for requiring the waiver and the Contract Procedure Rule(s) from which the waiver is required. The report shall include a legal and financial statement and shall highlight any future commitments (whether or not of a financial character) which the proposed Contract might entail.
- 3.4. Where the value of the waiver does not exceed £100,000, the reasons for requiring the waiver must be approved by the Corporate Procurement Manager, and recorded in accordance with the Scheme of Delegation.
- 3.5. Where waiver is sought by a Chief Officer in respect of obtaining quotations or tendering, the report to the Appropriate Body or record of the decision under the Council's Scheme of Delegations shall in addition to the requirements of Rule 3.2 justify the use of an alternative method of selection so that propriety, value for money and compliance with European Union Procurement Directives and the applicable legislation of England and Wales can be demonstrated.
- 3.6. Purchasing arrangements made for the Council by the Corporate Procurement Manager do not constitute exceptions as such, because they are made under the full provisions of these Rules.

- 3.7. Correct use of these arrangements, as advised by the Corporate Procurement Manager will however be sufficient to ensure officers meet their responsibilities for compliance. Such arrangements are mandatory and include, but are not limited to,:
- 3.7.1. Purchasing Frameworks endorsed for use by the Council, where items are specified and costed and the option of a Direct Award has been provided for.i.e., no requirement to undertake a further mini competition
 - 3.7.2. Collaborative procurement arrangements undertaken by, or in consultation with the Corporate Procurement Manager
 - 3.7.3. Electronic systems and catalogues endorsed for use by the Council in procurement.
- 3.8 The Appropriate Chief Officer must ascertain whether there is a Framework Agreement approved by the Corporate Procurement Manager for use by the Council. Where currently valid frameworks are available, the framework must be used in accordance with the guidance provided by the Corporate Procurement Manager.
- 3.9 Any joint procurement arrangements with other local authorities and or public sector bodies including membership or use of any consortia must be approved by the Corporate Procurement Manager.

Established framework and consortia arrangements endorsed by the Corporate Procurement Manager for use by the Council shall be mandatory except where there is an applicable waiver or exemption, a copy of which shall be sent to the Corporate Procurement Manager.

- 3.10 Contracts to be awarded on the basis of a Framework Agreement must be in conformity with the Public Contracts Regulations 2015 which implement EU Procurement Directives. Where it is necessary to run a further mini competition, any subsequent mini-tender must be in accordance with the terms of the original collaborative arrangement, and the rules of the framework (except for the requirement to advertise and those stages in the procurement that are not applicable to a framework).
- 3.11 These Contract Procedure Rules do not apply to Contracts let by school or college governing bodies acting in accordance with their approved schemes of delegation or Contract procedure rules

4. Delegate Authority To Enter To Contracts

- 4.1 Each Cabinet Member has been allocated the following functions under Scheme A of the Council's Schemes of Delegations (Scheme for the Allocation of Cabinet Functions to Individual Cabinet Members) in respect of any proposed Contract relating to services falling within the Cabinet Member's

portfolio having an estimated value exceeding £1,000,000 but not exceeding £5,000,000:

- (a) To authorise the invitation of tenders;
- (b) To accept the Most Economically Advantageous Tender received and enter into a Contract, or the highest tender received where payment is to be received by the Council and enter into a Contract.
- (c) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any exemption under the Council's Contract Procedure Rules.
- (d) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any permitted waiver under the Council's Contract Procedure Rules.

4.2 Each Appropriate Chief Officer has been allocated the following functions under Scheme B2 of the Council's Schemes of Delegations (Scheme for the Allocation of Functions to Executive Directors) in respect of any proposed Contract relating to services administered by their Directorate/Office having an estimated value not exceeding £1,000,000:

- (a) To authorise the invitation of tenders;
- (b) To accept the Most Economically Advantageous Tender received and enter into a Contract or the highest tender received where payment is to be received by the Council and enter into a Contract.
- (c) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any exemption under the Council's Contract Procedure Rules.
- (d) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any permitted waiver under the Council's Contract Procedure Rules

5. Declaration Of Interest

- 5.1 No member, employee or agent of the Council shall improperly use their position to obtain any personal or private benefit from any procurement entered into by the Council.
- 5.2 Members and employees of the Council shall comply with the requirements of Section 117 of the Local Government Act 1972, the Bribery Act 2010, and the Officers and Members code of conduct set out in the Constitution in respect of the declaration of interests in Contracts with the Council.
- 5.3 Such interests must be declared to the Monitoring Officer for inclusion in the appropriate registers

6. Selective Tendering, Invitation Of Tenders And Quotations

- 6.1 Subject to any overriding legislation requirements, all procurements shall be invited in accordance with either Rules 7, 8 or 9.
- 6.2 Where an invitation to tender is in excess of £100,000 for goods and services and £250,000 for works the appropriate Service budget holder shall prepare the relevant part of the Pre-tender Client Information Sheet and submit to the Corporate Procurement Manager and Chief Finance Officer for approval
- 6.3 A record of tenders and quotations shall be maintained by the Corporate Director – Operational and Partnership Services, on the Corporate Contracts Register.
- 6.4 In the case of procurements that are required to be undertaken in accordance with the EU Procurement Directives and the Regulations that implement them in England and Wales, the advice of the Corporate Procurement Manager must be sought at the outset and at all subsequent stages of the procurement process, and the Pre-Tender Client Information Sheet must be completed. EU directives and the Public Contract Regulations 2015 will take precedence over these rules.
- 6.5 The value of a procurement means the estimated total monetary value over its full duration, including any extension options. Where there is no fixed term for the Contract, the value of the Contract shall be taken to be the estimated value of the Contract over a period of four years. No procurement may be artificially split to avoid compliance with these Contract Procedure Rules and EU procurement Directives as implemented in England and Wales. This Rule shall, however, not be construed as to avoid the requirements relating to “lots” under the Public Contracts Regulations 2015.
- 6.6 For works Contracts all Contractors must be registered and verified on Constructionline. Constructionline show the Contractors and categories which have been pre-assessed with a recommended contract value. The recommended contract value is based on a financial risk assessment and is the maximum limit of work that must be placed with a Contractor without additional safeguards.
- 6.7 Except in the circumstances described in Rule 7 invitations to tender for a works contract shall be sent by the Appropriate Chief Officer to at least five (except where legislation permits a lesser number or grant conditions dictate otherwise) of the persons or bodies pre-assessed for a contract of the relevant category and amount or value from the relevant list on Constructionline.
- 6.8 The basis of selection for those companies on Constructionline shall be by way of rotation and/or the suitability of Contractors to undertake the project. Reasons for such choice must be recorded

Quotations

- 6.9 . The invitation to submit quotations must include the specification, terms and conditions and evaluation criteria/weightings.
- 6.10 A reasonable time must be allowed for Suppliers to return bids. Unless otherwise dictated by urgency, a minimum time period of not less than 14days must be allowed for the return of quotations.
- 6.11 A record shall be kept by the Appropriate Chief Officer in a form approved by the Chief Finance Officer of the details of every such Contract exceeding £5,000 in value or amount and, in each case in which at least three alternative written offers or quotations were not obtained, the Appropriate Chief Officer shall also record the reasons why it was considered impracticable to do so. This should then be recorded on the Corporate Contracts Register.

Tenders

- 6.12 All of the invitation to tender documentation, including specification, evaluation criteria/weightings, must be approved by the Corporate Procurement Manager.
- 6.13 A minimum time period of not less than 14 days must be allowed for the return of tenders, except where the tender is subject to the Public Contracts Regulations 2015 in which case the time periods specified in the Regulations are applicable. A shorter period may be used for quotations in accordance with these Rules and any Guidance that may be issued.
- 6.14 For all Contracts over £100,000 the Council will consider taking into account social, economic and environmental issues when making procurement decisions. Please contact the Skills and Sustainable Development Manager for guidance. Where appropriate the Council will see to include Community Benefits clauses to maximise the benefits that such clauses can bring.
- 6.15 Where Community Benefits are included in any tender issued by the Council, this must be mentioned in the tender advertisement, indicating whether they are Core or Non-Core.
- 6.16 Every written Contract shall include the following clauses as a minimum:-
- (a) The Welsh Language (Wales) Measure 2011 makes provision for specification of standards of conduct in relation to Welsh Language. The Measure authorises the Welsh Language Commissioner to serve a compliance notice requiring compliance with specified standards as laid down by the Welsh Language Standards (No1) Regulations 2015.. Bridgend County Borough Council has been served with a Compliance Notice under the Measure. The Compliance Notice (a copy of which can be found at <http://www1.bridgend.gov.uk/media/341711/20150930-dg-s-compliance-notice44-bridgend-county-borough-council.pdf>) places a legal obligation on the Council to comply with the notice. Failure to comply with any of the standards contained in the notice could result in a civil penalty imposed on the Council of up to £5,000. There is a requirement on third parties under

Regulation 1(5) of the Welsh Language Standards (No1) Regulations 2015 to comply with the standards when it carries out an activity or service on behalf of the Council. The Provider/Contractor/Supplier shall comply with all of the standards in accordance with the Compliance Notice. The Provider/Contractor/Supplier shall indemnify the Council from and against all and any actions costs, claims, proceedings, expenses, losses, damages, fines, actions and liabilities incurred by the Council as a result of a breach of this clause by the Provider/Contractor/Supplier, its staff or any Sub-Contractor of it.

- (b) The Provider/Contractor/Supplier shall ensure compliance with all applicable employment legislation, including any relevant regulations, directions or guidance in force during the term of the Agreement. In particular the Provider/Contractor/Supplier shall comply with the provisions of the National Minimum Wage Act 1998 and shall ensure all relevant working time as referred to in the National Minimum Wage Act 1998 is included in calculations for compliance with the National Minimum Wage Regulations and Working Time Regulations or amendments thereof.
- (c) In performing its obligations under the Contract, the Contractor shall:
 - (a) comply with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015; and
 - (b) have and maintain throughout the term of the Contract its own policies, codes of conduct and procedures to ensure its compliance; and
 - (c) not engage in any activity, practice or conduct that would constitute an offence under sections 1, 2 or 4 of the Modern Slavery Act 2015 if such activity, practice or conduct were carried out in the UK; and
 - (d) require that each of its direct subcontractors and suppliers shall comply with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

The Contractor represents and warrants that at the date of this Contract neither the Contractor nor any of its officers, employees or other persons associated with it:

- (a) has been convicted of any offence involving slavery and human trafficking; and
- (b) having made reasonable enquiries, to the best of its knowledge, has been or is the subject of any investigation, inquiry or enforcement proceedings by any governmental, administrative or regulatory body regarding any offence or alleged offence of or in connection with slavery and human trafficking.

The Contractor shall implement due diligence procedures for its direct subcontractors and suppliers (and other participants in its supply chains to ensure that there is no slavery or human trafficking in its supply chains.

The Contractor shall implement an appropriate system of audit and training as necessary for its subcontractors that is designed to ensure compliance with all applicable anti-slavery and human trafficking laws, statutes,

regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

The Contractor shall notify the Local Authority as soon as it becomes aware of:

- (a) any breach, or potential breach of any applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015; and/or
- (b) any actual or suspected slavery or human trafficking in a supply chain which has a connection with this Contract.

The Contractor shall prepare and deliver to the Local Authority an annual basis on a date to be advised by the Local Authority a slavery and human trafficking report setting out the steps it has taken to ensure that slavery and human trafficking is not taking place in any of its supply chains or in any part of its business.

The Contractor shall:

- (a) maintain a complete set of records to trace the supply chain of all works, goods and/or services provided to the Local Authority in connection with this Contract; and
- (b) permit the Local Authority on reasonable notice during normal business hours, but without notice in case of any reasonably suspected breach of this clause, to have access to and take copies of the Contractor's records and any other information and to meet with the Contractor's personnel to audit the Contractor's compliance with its obligations under this clause; and
- (c) permit the Local Authority on reasonable notice during normal business hours, but without notice in case of any reasonably suspected breach of this clause, to inspect the Contractor's workplaces and/or interview employees of the Contractor in the event that the Contractor is the subject of any investigation, inquiry or enforcement proceedings by any governmental, administrative or regulatory body regarding any offence or alleged offence of or in connection with slavery and human trafficking.

The Contractor shall:

- (a) implement a system of training for its employees, suppliers and subcontractors to ensure compliance with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015; and
- (b) keep a record of all training offered and completed by its employees, suppliers and subcontractors to ensure compliance with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015 and shall make a copy of the record available to the Local Authority on request.

The Contractor shall indemnify the Local Authority against any losses, liabilities, damages, costs (but not limited to legal fees) and expenses incurred by, or awarded against the Employer as a result of any breach of any applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern

Slavery Act 2015 resulting from any action or omission by the Contractor and /or its sub-contractors and/or suppliers.

The Local Authority may terminate the Contract with immediate effect by giving written notice to the Contractor if the Contractor commits a breach of any applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

The Contractor represents, warrants and undertakes that it conducts its business in a manner that is consistent with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

(d) "Equality Law" means the Equality Act 2010, any statutory code issued under it and any supplements to it as associated guidance published by the Equality and Human Rights Commission and all other applicable UK legislation, statutory instruments and regulations in relation to equality and diversity

a. The Supplier shall perform its obligations under this Agreement (including those in relation to the Goods/Services) in accordance with:

(i) All applicable Equality Law (whether in relation to race, sex, gender reassignment, age, disability, sexual orientation, religion or belief, pregnancy, maternity or otherwise);

(ii) the Authority's equality and diversity policies or procedures provided to the Supplier (as updated and provided to the Supplier from time to time); and

(iii) any other requirements and instructions that the Authority reasonably imposes in connection with any equality obligations imposed on the Authority at any time under the applicable Equality Law.

b. In addition to clause (a), the Supplier shall take all necessary steps, and inform the Authority of the steps taken, to prevent unlawful discrimination designated as such by any court or tribunal, or the Equality and Human Rights Commission (or any successor organisation).

c. The Supplier shall immediately notify the Authority if it becomes aware of any breach of clause (a) or (b).

6.17 Every written Contract shall include a clause empowering the Council to cancel the Contract and to recover from the Contractor the amount of any loss resulting from such cancellation if either:-

(a) The Provider/Contractor/Supplier, any persons employed by them or anybody purporting to act on the their behalf, whether they are aware of their acts or not, shall have offered or given or agreed to give any officer or member of the Council any gift or consideration of any kind as an inducement or bribe to influence its decision in the tendering procedure, or in relation to any Contract with the Council shall have committed any offence under the Bribery Act 2010

or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972

(b) The provider/Contractor/Supplier:-

(i) shall have communicated to any person other than the Council the amount or approximate amount of the proposed tender (other than in confidence in order to obtain quotations necessary for the preparation of the tender for insurance or to obtain any performance bond required by the Council); or

(ii) shall have entered into any agreement or arrangement with any person as to the amount of any proposed tender or that that person shall refrain from tendering.

6.18 All Contracts where a specification issued by the British Standards Institution or an European Standard is current at the date of the tender and is relevant shall require as a minimum that the goods and materials used in their execution shall be in accordance with that specification

7. Thresholds And Advertising Requirements

7.1 Thresholds for procurement do not apply to existing Framework Agreements endorsed for use by the Council.

7.2 Thresholds for all goods & services (except works Contracts) and advertising requirements are as follows and are set out in the Summary of Advertising (as attached at Appendix 1 to the Contract Procedure Rules) TC "goods & services except works" \f C \l "1" :

7.2.1 Up to £5,000 it is necessary only to demonstrate that value for money is being achieved, unless any grant funding conditions dictate otherwise.

7.2.2 From £5,001 to £25,000 Minimum of 3 quotes to be requested from businesses preferably registered on Sell2Wales, unless any grant funding conditions dictate otherwise.

7.2.3 From £25,001 to £100,000 all requirements to be openly advertised on Sell2Wales where practical and providing it represents best value for money. A minimum of three quotations must be invited when following a restricted procedure or when an advert has not been issued, unless any grant funding conditions dictate otherwise.

7.2.4 From £100,001 to the Public Contracts Regulations 2015 Contract thresholds, requirements must be tendered, and advertised on Sell2Wales (as a minimum). Where the restricted procedure is used a minimum of five tenders must be invited, unless any grant funding conditions dictate otherwise.

7.2.5 Above the Public Contracts Regulations 2015 Contract threshold, requirements must be tendered and advertised in the Official Journal of the EU, together with such other advertising as directed by the Corporate Procurement Manager.

7.3 Thresholds for Works Contracts and advertising requirements are as follows and are set out in the Summary of Advertising (as attached at Appendix 1 to the Contract Procedure Rules):

7.3.1 Contract Up to £5,000 it is necessary only to demonstrate that value for money is being achieved, using contractors with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline unless any Grant conditions dictate otherwise.

7.3.2 From £5,001 to £25,000 quotations are to be requested from a minimum of three prospective Tenderers with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline, unless any grant conditions dictate otherwise. Where the minimum number of Tenderers required through Constructionline are not available, the Corporate Procurement Unit will put an advertisement on Sell2Wales for the requirement.

7.3.3 From £25,001 to £250,000 quotations are to be requested from a minimum of five prospective Tenderers with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline, unless any grant conditions dictate otherwise. Where the minimum number of Tenderers required through Constructionline are not available, the Corporate Procurement Unit will put an advertisement on Sell2Wales for the requirement.

7.3.4 Over £250,000 to the Public Contracts Regulations 2015 Contract Thresholds requirements must be tendered and advertised on Sell2Wales, unless any grant funding conditions dictate otherwise

7.3.5 Above the Public Contracts Regulations 2015 Contract thresholds, requirements must be tendered and advertised in the Official Journal of the EU, together with such other advertising as directed by the Corporate Procurement Manager.

7.4 Where it is considered appropriate to use additional advertising e.g. specialist requirements, they should be placed in one or more of the following :

- A local newspaper.
- Trade Journal.

7.5 Where additional advertisements have been placed as outlined in Rule 7.4 the advertisement shall:

- Specify details of the Contract into which the Council wishes to enter.
- Invite persons or bodies interested to apply for permission to tender.

- Specify a time limit of not less than 14 days within which such applications or tenders are to be received by the Council, except where legislation or funding conditions dictates a different time period. Indicate the criteria and weighting to be used to select Tenderer and award the Contract, unless this is specified in the ITT.

8. Pre-Tender Market Research And Consultation

- 8.1 The Council may conduct market consultation prior to the issue of any Tender. This may involve seeking or accepting advice from the market. This advice can be used in the planning and conducting of the procurement process as long as it does not distort competition or violate the principles of non-discrimination and transparency.

9. Procurement By Consultants

- 9.1 Where the Council uses consultants to act on its behalf in relation to any procurement, then the Chief Officer shall ensure that the consultants carry out any procurement in accordance with these Contract Procedure Rules.
- 9.2 All decisions must be made in accordance with the Councils Scheme of Delegation.
- 9.3 No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to. The Chief Officer shall ensure that the consultant's performance in relation to procurement is in accordance with these Contract Procedure Rules and legislation of England and Wales and European Procurement Rules.
- 9.4 Where the Council uses consultants to act on its behalf in relation to any procurement the consultant must declare any potential conflict of interest that may arise to the relevant Chief Officer prior to the commencement of the procurement process or at such time that the Contractor becomes aware of such a potential conflict of interest.
- 9.5 Where the Chief Officer considers that such a conflict of interest is significant the consultant shall not be allowed to participate in the procurement process.

10. Other Procurement Procedures

- 10.1 The use of the Negotiated procedure without prior publication, Innovative Partnerships, Competitive Procedure with Negotiation and Competitive Dialogue as defined in the Public Contracts Regulations 2015, can only be used in exceptional circumstances as directed by the Chief Finance Officer and with prior consultation with the appropriate Cabinet Member and the Monitoring Officer.
- 10.2 The use of Reserved, Concessionary Contracts and Dynamic Purchasing Systems may only be used following consultation and prior approval by the Corporate Procurement Manager.

11. Naming Products Sub-Contractors And Suppliers **TC "Nominated and Named Sub-Contractors" **C **1" **XE "Nominated and Named Sub-Contractors"********

- 11.1 The principle of non-discriminatory and equal treatment is undermined by the naming of products, Suppliers or sub-Contractors. Equivalentents are nearly always able to be specified and will be advertised with the wording "or equivalent" where possible.
- 11.2 Where the Council has determined that a particular type of product or provision of service will be stipulated as an essential requirement of a Contract then this must be approved by the Appropriate Chief Officer following consultation with the Corporate Procurement Manager.

12. Electronic Tendering

- 12.1 An electronic quote and tender facility now supersedes the use of paper tenders in line with the Public Contracts Regulations 2015. All electronic quotes and tenders must be issued using a portal approved by the Corporate Procurement Manager. All relevant staff must be fully trained in the use of the system and set up to use the facility by the Corporate Procurement Manager.
- 12.2 For all quotes and tenders issued, the awarded Contract must be uploaded to the Corporate Contracts Register on the approved portal.
- 12.3 An advertisement must be placed in accordance with Rule 7. Any advert placed on sell2wales must alert prospective bidders to the requirement and the need to register on the approved etenderwales portal. The advert should state that bidders must have JAVA to access the etenderwales portal and respond electronically.
- 12.4 All correspondence between the Council and bidders must be concluded via the approved portal to maintain a defined audit trail. Under no circumstances must email correspondence outside the portal be used. Any verbal communication specific to the quote or tender must only be communicated through the relevant category specialist and must be confirmed via the portal. All clarification questions must be broadcast to all prospective bidders, where applicable i.e. not commercially sensitive.
- 12.5 The requirements for the submissions of bids must be set out in the Invitation to Tender (ITT) document issued to bidders via the portal. This will specify the return date and time, which will normally be 12 noon on the agreed date. The time and date when bidders upload their completed documents onto the system is recorded and forms part of an audit record.
- 12.6 Any late bids submitted will be recorded by the system and must be disqualified. A report will be required from the system administrator of the portal that there has been no system malfunction if a bidder challenges the disqualification.

12.7 Tenders must be opened electronically in accordance with Rule 14

13. Submission And Custody Of Tenders And Quotations

13.1 Where tenders are invited in accordance with these Contract Procedure Rules or otherwise as determined by the Appropriate Body, the requirements for submission of tenders shall be set out in the invitation to tender document.

13.2 Electronic tenders and quotes are held in the approved portal and are inaccessible until the specified closing date and time.

14. Opening Of Electronic Tenders

14.1 Quotations or tenders for requirements having an estimated value or amount of £5,000 and not exceeding £100,000 shall be opened via the approved portal at the same time in the presence of two officers, both designated by the Appropriate Chief Officer.

14.2 Tenders for Contracts having an estimated value or amount of £100,000 and not exceeding £1,000,000 shall be opened at the same time in the presence of two officers, one designated by the Monitoring Officer and the other by the Appropriate Chief Officer.

14.3 Tenders having an aggregated estimated value or amount exceeding £1,000,000 shall be opened at the same time in the presence of:-

- (a) Two Members comprising any of the following:
 - (i) the Mayor;
 - (ii) the Deputy Mayor;
 - (iii) the Cabinet Member for the function in respect of which Contract is to be concluded
 - (iv) the Chairman or Vice-Chairman of the Committee with responsibility for the function in respect of which the Contract is to be concluded.

If two of these Members shall be unavailable, one or two Members as the case may be may be nominated by any of the unavailable Member(s) to act in their place being any Cabinet Member(s) or the Chairman and/or Vice-Chairman of any committee, sub-committee, panel or other body the majority of members of which are appointed by the Council;

- (b) Two officers, one designated by the Monitoring Officer and the other by the Appropriate Chief Officer, usually an officer from Cabinet and committee and an officer from the corporate procurement team.

14.4 All tenders opened in accordance with rule 14 shall include the Technical and Commercial envelope within the approved portal

- 14.5 A record shall be kept of all tenders and quotations received through the approved portal approved by the Monitoring Officer, including any reasons for disqualification.

15. Amendment Of Tenders

- 15.1 If an error is identified before the closing date for the return of tenders, all Tenderers shall be appraised of the error and invited to adjust their tenders.
- 15.2 If an error in the tender documentation provided by the Council is identified after the closing date for the return of tenders, but prior to opening of tenders, all Tenderers shall be given details of the error and afforded the opportunity of withdrawing the offer or submitting an amended tender.
- 15.3 Except as provided in Rule 15 a tender may not be amended by the Tenderer after it has been received unless examination of it reveals errors or discrepancies which would affect the tender figure in an otherwise successful tender, in which case:
- 15.3.1 If the error is not arithmetical the Tenderer shall be given details of the error(s) and shall be given the opportunity of confirming without amendment or withdrawing the tender, or
- 15.3.2 If the error is arithmetical the Appropriate Chief Officer shall correct the error(s) provided that, apart from these genuine arithmetic error(s), no other adjustment revision or qualification is permitted.

16. Post-Tender Negotiation And Clarification

- 16.1 Where procurement is conducted pursuant to the Public Contracts Regulation 2015 through either the open, restricted, innovative partnerships or competitive dialogue procedures, no post-tender negotiations are permitted. Any negotiation in respect of the competitive procedure with negotiation must comply with the requirements of the Public Contracts Regulations 2015.
- 16.2 The responsible officer may seek clarification from Tenderers where appropriate in consultation with the Corporate Procurement Manager.
- 16.2 Where procurements do not exceed the Public Contracts Regulation 2015 thresholds the Appropriate Chief Officer may authorise negotiations in exceptional circumstances, following the opening of tenders and before acceptance, subject to compliance with any legislative requirements, and only when:
- (a) Amendments have been made to any relevant specification since the invitation of tenders, which could not have been foreseen at the invitation stage, or
- (b) The volume of goods, works or services required by the Council has substantially increased or decreased since the invitation of tenders, or

- (c) Only one tender has been received, or
- (d) Tender prices exceed financial targets predetermined by the Council, the Cabinet or the appropriate Committee,
In all instances, the possibility of such negotiations must have been indicated in the invitation to tender.

16.4 Negotiations shall be conducted in a manner which treats all Tenderers equally and is non-discriminatory and transparent at all times during the procurement process, and a full record of the negotiations shall be made by the Appropriate Chief Officer which shall include the names of the officers involved, minutes of all meetings and copies of all relevant correspondence and other documents.

17. Evaluation Of Tenders

17.1 The Chief Officer shall examine tenders in accordance with predetermined evaluation criteria.

17.2 In respect of all tenders where the tender criteria is the Most Economically Advantageous Tender (which can be the lowest/highest price only where appropriate) the evaluation criteria shall as a minimum be listed in the Invitation To Tender documentation in order of importance. Any particular scoring or weighting attributable to any criteria and sub-criteria must be clearly stated. In addition, the criteria must be strictly observed and remain unchanged at all times throughout the Contract award procedure.

18. Acceptance And Award Of Tenders

18.1 A Contract shall only be awarded subject to the tender evaluation criteria specified in the invitation to tender document.

18.2 Tenders for Contracts having an estimated value exceeding £5,000,000 may be invited and accepted only by the Appropriate Body unless the power to do so has been specifically allocated or delegated to the appropriate Cabinet Member or Appropriate Chief Officer.

18.3 No tender relating to a Contract to which Sections 2 to 9 of the Local Government (Contracts) Act 1997 apply, shall be accepted without the approval of the Monitoring Officer.

18.4 Before a tender is accepted other than for the sale of goods the Appropriate Chief Officer must obtain the Chief Finance Officer's confirmation that the Tenderer's financial standing is satisfactory, unless the Tenderer has already been approved using the prequalification of the tender process.

18.5 The award of any Contract shall be in accordance with the Public Contract Regulations 2015 and the requirements of any other legislation including any EU public procurement directive.

- 18.6 If the award of any Contract is subject to the Public Contracts Regulations 2015 or any EU public procurement directive, then there shall be a standstill period of at least ten calendar days between the communication of the decision of the intention to award the Contract being notified to those parties who were selected to tender, or who applied to be selected to tender, and the entering into of that Contract.
- 18.7 'Standstill' letters issued as part of a tender process under EU Regulations must not be issued prior to confirmation of award in accordance with the Council's constitution.
- 18.8 Feedback to unsuccessful tenderers must be included in the standstill letters and must include the characteristics and relative advantages of the tender selected. For Contracts subject to the Public Contracts Regulations 2015, the requirements of the Public Contracts Regulations 2015 must also be complied with.
- 18.9 Where a tender above the EU threshold has been tendered and advertised on Sell2Wales, the Council shall publish a Contract Award Notice on Sell2Wales which will also be included in the Official Journal of the EU, and as soon as possible after the decision to award and in any event no later than 30 calendar days after the date of award of the Contract.
- 18.10 All correspondence notifying evaluation outcomes must be communicated through the approved portal

19. Letters Of Intent

- 19.1 Letters of Intent shall only be used with the agreement of the Corporate Director – Operational and Partnerships and only in very exceptional circumstances.
- 19.2 Where the terms and conditions of the Contract are not fully agreed no Contractor shall be allowed on site to begin preliminary works until a full risk assessment has been carried out by the Appropriate Chief Officer as to possible implications to the Council by the Contractor being allowed to start on site before the Contract terms and conditions have been finalised.

20. Execution Of Contracts

- 20.1 Every Contract not exceeding £500,000 in amount or value shall be in writing in a form approved by the Monitoring Officer such form being the Form of Tender. However the Form of Tender should not be used in the following situations and a formal Contract must be entered into:
- (a) where the appropriate Directorate has assessed the level of risk associated with the Contract and it deems the level of risk to be high; or
- (b) where the Contract must be executed under seal.

The Form of Tender must be issued as part of the tender and must be signed and returned by the bidder. On contract award the signed Form of Tender must be issued with the award letter, signed by the Appropriate Chief Officer, or another officer authorised in writing to sign on behalf of the Appropriate Chief Officer, or by the Monitoring Officer or another officer authorised in writing by the Monitoring Officer. Both Parties are to keep a signed Form of Tender.

- 20.2 Every Contract, including frameworks which exceeds £500,000 in amount or value shall be executed under seal.
- 20.3 Contracts in writing or official orders not exceeding £100,000 in amount or value may be signed either by the Appropriate Chief Officer or by an officer in writing authorised to approve on behalf of the Appropriate Chief Officer.
- 20.4. Every Contract for Works (other than Framework Agreements) exceeding £1,000,000 shall require a Performance Bond and for Contracts below this limit the Appropriate Chief Officer shall determine the necessity for a Performance Bond based on an assessment of risk for that Contract. A Surety shall be approved by the Chief Finance Officer.
- 20.5 A risk assessment shall be conducted for all service Contracts to determine the necessity for a performance bond. The approval of the Chief Finance Officer is required where a performance bond is not deemed necessary for service Contracts in excess of £1,000,000 in value
- 20.6 Contracts not exceeding £500,000 may be signed electronically except in the following situations:
- (a) where the appropriate Directorate has assessed the level of risk associated with the Contract and it deems the level of risk to be high; or
 - (b) where the Contract must be executed under seal.

The use of electronic signature must be in accordance with the procedure set down by the Corporate Procurement Manager.

21. Assignment And Novation

21.1 Any Contract subject to potential assignment and novation must be referred to the Corporate Director – Operational and Partnerships Services at the earliest possible instance.

22. Termination Of Contracts

22.1 For any Contract, or part thereof, exceeding £100,000 in value, early termination shall be approved by the Appropriate Chief Officer in consultation with the Corporate Director – Operational and Partnership Services and the Chief Finance Officer and must be in accordance with the termination provisions set out in the Contract. Contracts of a lesser value may be terminated early by agreement prior

to the expiry date or in accordance with the termination provisions set out in the Contract.

23. Financial Limits

23.1 With the exception of the financial limit specified in Rule 20, which may be varied only by the Council, the financial limits specified in these Contract Procedure Rules or any of them may be varied at any time by the Chief Finance Officer in consultation with the Monitoring Officer, but any alterations shall be reported to the next meeting of the Council.

24. Record And Document Retention And Control

24.1 A full report of all Contracts awarded should be written and kept electronically. (A checklist of what the report should contain can be found at Appendix 4 to these Contract Procedure Rules - Procurement Report – Contents Checklist.)

24.2 A full record of all documents used including the Delegated Power to invite and accept, any other internal approvals, should be scanned and uploaded into the approved portal or procurements 'o' drive against the specific Contract reference number.

24.3 All Contracts under seal i.e. Deeds (inc. Tenders) must to be retained for a minimum of 12 years after the term of the Contract has expired. Contracts under hand must be retained for a minimum of 6 years after the term of the Contract has expired, unless a longer period is required by legislation or grant conditions.

24.4 Unsuccessful tender and pre-qualifying documents which have been accepted for tender purposes will be retained for a minimum period of 2 years after the start of the Contract within the approved portal.

24.5 Any tender which is rejected or disqualified at the time of opening will be notified via the approved portal.

24.6 All Request for Quotations must be retained for a minimum period of 2 years after the term of the Contract has expired.

24.7 Where Contracts are subject to the Public Contract Regulations 2015, they must also comply with the record, document retention and control requirements of the Public Contract Regulations 2015.

25. Contract Management

25.1 A Contract must not start until the Contract has been signed or sealed by both parties and dated. Directorates must allow time for this in their forward work plan.

25.2 Within ten calendar days of the start of the Contract, the directorate must add the details of the Contract onto the Corporate Contracts Register and record the following:

- (a) the works, goods or services to be provided;
- (b) the name of the Contractor,
- (c) the Contract Value;
- (d) the commencement and completion/termination dates;
- (e) any extension options

These details must be maintained and updated as and when required to do so.

25.3 The Directorate shall be the Contract manager for the Contracts for which they are responsible for up to the EU thresholds, but may authorise another officer to have day-to-day responsibility for managing the Contract. For Contracts over the EU Thresholds, the directorate must appoint a dedicated Contract manager with appropriate skills and experience.

25.4 The Contract manager is responsible for:

- (a) Managing the Contract and ensuring that it is carried out in accordance with its terms and conditions;
- (b) Monitoring the Contractor's performance and carrying out mid-Contract reviews to determine ongoing value for money;
- (c) Ensuring that the Contractor maintains the insurance policies required by the Contract;
- (d) Keeping a record of all payments, claims, monitoring, changes and certificates under the Contract;

25.5 The Contract manager must consult the Monitoring Officer for consideration of the Council's legal position:

- (a) Before any Contract is to be terminated or suspended;
- (b) In the event of a claim for payment not clearly within the terms and conditions of Contract;

26. Corporate Contracts Register

26.1 The Corporate Contracts Register is held within the approved portal and all quotations and tenders conducted must be created into a Contract. It is the responsibility of each Directorate to create and maintain their own Contracts within the portal

26.2 It is the responsibility of each Directorate to update the register following a quotation or tender process within the approved portal.

26.3 Any officer that requires training must contact the corporate procurement unit

27. Review And Amendment Of Contract Procedure Rules

27.1 The Corporate Procurement Manager shall continually review these Contract Procedure Rules and shall undertake a formal review at least every three years.

<u>Total Value</u>	<u>Competition</u>	<u>Advertising</u>	<u>Permission to tender/award</u>	<u>Reports</u>
<u>Goods and Services</u> Up to £5,000	No competitive quotes required, but must demonstrate value for money unless any Grant conditions dictate otherwise	None required	Officer decision	None required but records to be kept for audit purposes
£5,001 - £25,000	A minimum of 3 competitive quotes required and conducted via the etenderwales portal unless Grant conditions dictate otherwise	None required	Officer decision	None required but records to be kept Audit trail via the etenderwales portal
£25,001 - £100,000	A minimum of 3 competitive quotes required and conducted via the etenderwales portal, unless Grant conditions dictate otherwise	Openly advertised on Sell2Wales where practical and providing it represents value for money	Officer decision	None required but records to be kept Audit trail via the etenderwales portal
£100,001 – Threshold	Open competition required via the etenderwales portal, unless Grant conditions dictate otherwise	Openly advertised on Sell2Wales	Delegated Power required to go out to tender and one to award	Report required See Appendix 4
Above Threshold	Full EU procedure is required via the etenderwales portal	Advertise in the Official Journal of the EU (OJEU) via Sell2Wales	Delegated Power to go out to tender and one to award up to £5m Above £5m Cabinet Report required	Report required See Appendix 4

Mini Competition from Framework Agreements	Competition conducted via the etenderwales portal to suppliers on the framework	None required	Below £100,000 Officer Decision	Report required See Appendix 4
Mini Competition from Framework Agreements	Competition conducted via the etenderwales portal to suppliers on the framework	None required	Delegated power to go out to tender and one to award for any spend above £100,000	Report required See Appendix 4
<u>Works</u> Up to £5,000	No competitive quotes required, but must demonstrate value for money using contractors with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline, unless any Grant conditions dictate otherwise	None required	Officer decision	None required but records to be kept for audit purposes
£5,001 – £25,000	A minimum of 3 competitive quotes required using contractors with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline and via the etenderwales portal, unless any Grant conditions dictate otherwise	None required	Officer decision	None required but records to be kept Audit trail via the etenderwales portal
£25,001 - £250,000	A minimum of 5 competitive quotes required using contractors with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline and via the etenderwales portal, unless any	None required	Officer decision	None required but records to be kept Audit trail via the etenderwales portal

	Grant conditions dictate otherwise			
£250,001 - Threshold	Open competition required via the etenderwales portal, unless Grant conditions dictate otherwise	Openly advertised on Sell2Wales	Delegated Power required to go out to tender and one to award	Report required See Appendix 4
Above Threshold	Full EU procedure is required via the etenderwales portal	Advertise in the Official Journal of the EU (OJEU) via Sell2Wales	Delegated Power to go out to tender and one to award up to £5m Above £5m Cabinet Report required	Report required See Appendix 4
Mini Competitions from Framework Agreements	Competition conducted via the etenderwales portal to suppliers on the framework	None required	Below £250,000 Officer Decision	Report required See Appendix 4
Mini Competitions from Framework Agreements	Competition conducted via the etenderwales portal to suppliers on the framework	None required	Delegated power to go out to tender and one to award for any spend above £250,000	Report required See Appendix 4

*Threshold = Public Contracts Regulations 2015 thresholds

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PRE-TENDER CLIENT INFORMATION SHEET

1. This document is required to be completed by the Client to comply with clause 2.3 of the Contract Procedure Rules and will provide the basic information necessary to commence any Tender process.
2. Once the form is completed please email it to the Corporate Procurement Manager.
3. No Procurement activity shall take place until it has been fully completed and accepted by the Corporate Procurement Manager and/or Chief Finance Officer.
4. All Procurement activity shall be in accordance with the Procurement Strategy and Contract Procedure Rules.

<u>NAME:</u>		<u>DEPARTMENT:</u>	
<u>ADDRESS:</u>			
<u>TEL:</u>		<u>EMAIL:</u>	
<u>REQUIREMENT:</u> (Please provide a brief description of the project – why, what and when. Indicate if there are opportunities for Collaboration, Community Benefits or Sustainability opportunities)			
<u>SPECIFICATION:</u> (Has a specification been written by the Client?)			Y / N
<u>SPECIFICATION:</u> (When will an agreed Specification be available?)			
<u>TUPE:</u> (are there any Transfer of Undertaking (protection of employees) Regulations (TUPE) considerations?)			Y / N
<u>COMMUNITY BENEFITS:</u> (Have you sought guidance from BCBC Skills and Sustainable Development Manager where contract value is above £100,000)			Y / N
<u>COMMUNITY BENEFITS:</u> (Date when guidance sought)			
<u>COMMUNITY BENEFITS:</u> (Does Community Benefits apply to this tender?)			Y / N
<u>COMMUNITY BENEFITS GUIDANCE:</u> (please contact Sue Whittaker via e-mail sue.whittaker@bridgend.gov.uk to discuss)			
<u>DELEGATED POWER:</u> (Has a Delegated Power been raised by the Client?)			Y / N
<u>DELEGATED POWER:</u> (When will a Delegated Power be available?)			
<u>ESTIMATED / HISTORIC ANNUAL SPEND:</u>			£

<u>INTENDED PROCEDURE:</u> (If known at this stage - delete as required)		<u>RESTRICTED</u>	<u>OPEN</u>		<u>OTHER</u>
<u>EVALUATION CRITERIA:</u> (Delete as required)		<u>MOST ECONOMICALLY ADVANTAGEOUS TENDER (MEAT)?</u>			<u>LOWEST COST?</u>
<u>EVALUATION WEIGHTINGS IF MEAT</u> (If known at this stage)		<u>QUALITY %</u>	<u>%</u>	<u>PRICE %</u>	<u>%</u>
<u>PROCUREMENT STRATEGY:</u> (To be completed by Procurement)					
<ol style="list-style-type: none"> 1. Strategy: 2. Advertisement: 3. On completion, pass to Procurement Team Administrator to populate the Contracts Register. 					
<u>NAME:</u> Print		<u>SIGNATURE:</u>		<u>DATE:</u>	

FORM OF TENDER FOR THE SUPPLY OF **SERVICES/GOODS/WORKS**

To: BRIDGEND COUNTY BOROUGH COUNCIL
CIVIC OFFICES
ANGEL STREET
BRIDGEND
CF31 4WB

Tender for:

Tender No:

- i) The Council requires that certain **services/goods/works** should be provided namely the supply of **[SET OUT SERVICE/GOODS/WORKS DETAILS]**, more specifically identified in the Contract Documents as defined below (“the **Service/Goods/Works**”).
- ii) On [DATE] the Council invited the Tenderer to tender for the provision of the **Services/Goods/Works**.
- iii) Having examined the Instructions to Tenderers, Conditions of Contract, the Specification, the schedules and all other tender documentation issued by the Council for the **Service/Goods/Works**, the Supplier hereby tenders and undertakes to perform the **Service/Goods/Works** for the Contract Period (as identified in the Contract Documents) in conformity with the Conditions of Contract (including any special conditions), the Specification, the schedules and all appendices, plans, pricing documents and all other tender documentation and the Tenderer’s response to them (the “Contract Documents”), at the prices and rates agreed therein exclusive of VAT subject to any change in scope as agreed by the Council.
- iv) The Tenderer certifies that this is a bona fide tender.
- v) The Tenderer hereby warrant and undertake to the Council in the terms set out in the Instructions to Tenderers.
- vi) The Tenderer agrees that the insertion of any conditions qualifying this tender which are not permitted by the tender documentation or any unauthorised alteration to any of the tender documents shall cause the tender to be rejected.

- vii) The Tenderer agrees that their tender shall remain open for acceptance by the Council and shall not be withdrawn for a period of 13 weeks from the closing date for return of tenders.
- viii) The Tenderer understands that the Council is not bound to accept the lowest, the most economically advantageous or any tender the Council may receive and that the Council may accept part or all of the tender and that the Council will not pay any expenses incurred by me in connection with the preparation and submission of this tender.
- ix) Should its tender be accepted by the Council the Tenderer agrees to execute a formal contract prepared by the Council's Legal Department embodying all of the terms and conditions contained within the tender documentation if so requested by the Council.
- x) **Unless and until such an agreement is executed this Form of Tender and the acceptance hereof by the Council shall constitute a binding contract between the parties and in consideration of the payments to be made by the Council in accordance with the Contract Documents, the Tenderer hereby covenants with the Council to supply the Services/Goods/Works in conformity in all respects with the provisions of the Contract Documents.**

I confirm that I have read and understand this document.

NOTE: Envelopes to bear no marks identifying Tenderer.

Tenderers Representatives Signature: _____

Print name _____

*** Position in Company/Firm:** _____

* Signatory must be a Director or Secretary or another person duly authorised by the Company to sign and in the latter case, proof of authority to sign must be submitted with the form for tender or if Sole Trader please insert "I am a sole trader"

Name of Company/Firm/Other Organisation:

Company Registration Number (if applicable):

Registered Office Address or Principal Place of Business:

Address of Principal Place of Business: [if different from above]

Telephone Number: _____ **Facsimile Number:** _____

Date: _____

(the "Tenderer")

Council Authorised Signature: _____

Print name _____

Position in Council:__

Date of Acceptance: _____

(the "Council")

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Appendix 4 – Procurement Report – Contents Checklist

<u>Data</u>	<u>Required</u>	<u>Included</u>
Name and address of contracting authority	Yes	
Subject-matter and value of the contract	Yes	
Names of candidates/tenderers passing any selection (PQQ) stage and the reasons for their selection	If relevant	
Names of candidates deselected following any selection (PQQ) stage and the reasons for their deselection	If relevant	
Names of bidders selected, to continue to take part in a competitive procedure with negotiation or competitive dialogue process, and the reasons for their selection	If relevant	
Names of bidders deselected from a competitive procedure with negotiation or competitive dialogue process, and the reasons for their deselection	If relevant	
Reasons for rejection of any tender found to be abnormally low	If relevant	
Name(s) of successful bidder(s)	Yes	
Reasons why successful bid(s) was/were selected	Yes	
Share of the contract/framework agreement that the successful bidder intends to sub-contract	If relevant	
Names of the main sub-contractors	If relevant	
Justification for use of competitive procedure with negotiation process or competitive dialogue process	If relevant	
Justification for use of negotiated procedure without prior publication	If relevant	
Reasons why the contracting authority decided not to award the contract/framework agreement	If relevant	
Reasons why non-electronic means was used for submission of tenders	If relevant	
Details of conflicts of interest detected and subsequent measures taken to deal with such conflicts of interest	If relevant	
In a Light Touch regime process, where the contracting authority has chosen to depart from the process as originally stated in the procurement documents, this decision and the reasons behind it must be documented	If relevant	
If not recorded elsewhere in the procurement documentation, an indication of the main reasons why the contracting authority considers there to be a justified case for requiring bidders to evidence turnover that is greater than the standard permitted maximum of twice the estimated contract value (for example, due to special risks attached to the nature of the works, services or supplies)	If relevant	
If not recorded elsewhere in the procurement documentation, the main reasons for decision of the contracting authority not to subdivide the	If relevant	

requirement into lots		
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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

FORWARD WORK PROGRAMME

1. Purpose of Report .

1.1 The purpose of this report is to seek Cabinet approval for items to be included on the Forward Work Programme for the period 1 July 2018 to 31 October 2018.

2. Connection to Corporate Improvement Objectives.

2.1 The active engagement with the public regarding key decisions of the Authority contributes to all of the following Corporate Priorities.

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.

3. **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background.

3.1 The Constitution of the Council explains that the Forward Work Programme will be prepared by the Corporate Director – Operational and Partnership Services to cover a period of four months except when ordinary elections of councillors occur, in which case the forward work programme will cover the period up to the date of the elections.

3.2 The Forward Work Programme will contain matters which the Cabinet, Overview and Scrutiny Committees and full Council are likely to consider. It will contain information on:

(a) the timetable for considering the Budget and any plans, policies or strategies forming part of the Policy Framework and requiring Council approval, and which body is to consider them;

- (b) the timetable for considering any plans, policies or strategies which are the responsibility of the Cabinet;
- (c) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- (d) the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

3.3 The Forward Work Programme will be published at least 14 days before the start of the period covered. The Authority is required to publish once a year a notice in at least one newspaper circulating in the area, stating that a forward work programme will be published and giving the publication dates for that year.

3.4 The recent Wales Audit Office report also identifies that the Council should improve the availability and accessibility of information relating to decision-making on significant service change.

4. Current situation / proposal.

4.1 The Forward Work Programme will be considered quarterly by Cabinet at the meetings listed below and published on the dates shown:

Cabinet Meeting Date		Published by	FWP for Period
17 Jul 18	-	17 Sep 18	01 Oct – 31 Jan 19
20 Nov 18	-	18 Dec 18	01 Jan – 30 Apr 19
19 Feb 19	-	18 Mar 19	01 Apr – 31 July 19
21 May 19 To be confirmed	-	15 Jun 19	01 Jul – 31 Oct 19

4.2 Once approved the schedule of publication will be advertised in the Glamorgan Gazette.

4.3 The proposed Forward Work Programmes are described below:

- Cabinet 1 July 2018 to 31 October 2018 - **Appendix 1**
- Council 1 July 2018 to 31 October 2018 - **Appendix 2**
- Overview and Scrutiny - **Appendix 3**

5. Effect upon Policy Framework and Procedure Rules.

5.1 There are no implications relating to the Policy Framework and Procedure Rules

6. Equality Impact Assessment

6.1 There are no negative equality implications arising from this report.

7. Financial Implications.

7.1 There will be an estimated cost of £400 for the notice being placed in a

newspaper and its translation to inform readers of the publication dates of the Forward Work Programme as required in Paragraph 3.3 of the report.

- 7.2 There will be a translation cost of approximately £60 for each quarterly update of the Forward Work programme when it is published on the Bridgend County Borough Council Website. These will be met from within existing budgets.

8. Wellbeing of Future Generations (Wales) Act 2015

- 8.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

9. Recommendation.

- 9.1 Cabinet is recommended to:

- Approve the Cabinet Forward Work Programme for the period 1 July to 31 October 2018 as shown at Appendix 1;
- Note the Council the Council and Scrutiny Forward Work Programme as shown at Appendix 2 and 3 respectively.

P A Jolley

Corporate Director Operational and Partnership Services

6 June 2018

Contact Officer: Andrew Rees
Senior Democratic Services Officer – Committees
Telephone: (01656) 643147
Email: Andrew.rees@bridgend.gov.uk

Postal address: Democratic Services
Operational & Partnership Services
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents: None

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CABINET FORWARD WORK PROGRAMME - 1 JULY 2018 TO 31 OCTOBER 2018

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Item	Title and Description of Report	Cabinet	Contact Officer
(a)	(b)	(c)	(d)
1.	Data Protection Update / Policy	18 Sep 2018	Andrew Jolley, Corporate Director Operational & Partnership Services Tel: 01656 643136 andrew.jolley@bridgend.gov.uk
2.	Annual Treasury Management Outturn Report 2017-18	18 Sep 2018	Gill Lewis, Interim Head of Finance and Section 151 Officer gill.lewis@bridgend.gov.uk

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COUNCIL FORWARD WORK PROGRAMME - 1 JULY 2018 TO 31 OCTOBER 2018

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Item	Title and Description of Report	Council	Contact Officer
(a)	(b)	(c)	(d)
1.	Annual Treasury Management Outturn Report 2017-18	19 Sep 2018	Gill Lewis, Interim Head of Finance and Section 151 Officer gill.lewis@bridgend.gov.uk

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OVERVIEW AND SCRUTINY FORWARD WORK PROGRAMME - 1 JULY 2018 TO 31 OCTOBER 2018

Date	Title and Description of Report	Scrutiny Committee	Contact Officer
23 Jul	Plastic Free Bridgend County Borough	Subject Overview & Scrutiny Committee 3	Mark Shephard, Corporate Director - Communities Tel: 01656 643380 mark.shephard@bridgend.gov.uk
12 Jul	Safeguarding	Subject Overview & Scrutiny Committee 2	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251 susan.cooper@bridgend.gov.uk
Between 13 Jul and 1 Apr	ALN Reform	Corporate Overview and Scrutiny Committee	Lindsay Harvey, Corporate Director Education and Family Support Tel: 01656 642612 lindsay.harvey@bridgend.gov.uk
Between 13 Jul and 31 Oct	School Standards	Subject Overview & Scrutiny Committee 1	Lindsay Harvey, Corporate Director Education and Family Support Tel: 01656 642612 lindsay.harvey@bridgend.gov.uk
Between 13 Jul and 31 Oct	Review of Fostering Project	Corporate Overview and Scrutiny	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251

Date	Title and Description of Report	Scrutiny Committee	Contact Officer
		Committee	susan.cooper@bridgend.gov.uk
Between 13 Jul and 31 Oct	Advocacy	Corporate Overview and Scrutiny Committee	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251 susan.cooper@bridgend.gov.uk
18 Jun	Social Services Annual Report	Corporate Overview and Scrutiny Committee	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251 susan.cooper@bridgend.gov.uk
25 Jul	City Deal	Corporate Overview and Scrutiny Committee	Darren Mepham, Chief Executive Tel: 01656 643227 darren.mepham@bridgend.gov.uk
25 Jul	2017-18 Quarter 4 Financial Performance	Corporate Overview and Scrutiny Committee	Gill Lewis, Interim Head of Finance and Section 151 Officer gill.lewis@bridgend.gov.uk
25 Jul	Update on Public Service Board	Corporate Overview and Scrutiny	Darren Mepham, Chief Executive Tel: 01656 643227 darren.mepham@bridgend.gov.uk

Date	Title and Description of Report	Scrutiny Committee	Contact Officer
		Committee	
Between 31 Jul and 1 Apr	Revised Community Asset Transfer Process	Corporate Overview and Scrutiny Committee	Mark Shephard, Corporate Director - Communities Tel: 01656 643380 mark.shephard@bridgend.gov.uk
Between 1 Sep and 30 Apr	Waste Services	Corporate Overview and Scrutiny Committee	Mark Shephard, Corporate Director - Communities Tel: 01656 643380 mark.shephard@bridgend.gov.uk
Nov	Home to School Transport	Corporate Overview and Scrutiny Committee	Lindsay Harvey, Corporate Director Education and Family Support Tel: 01656 642612 lindsay.harvey@bridgend.gov.uk
Between 1 Nov and 31 Jan	Remodelling Children's Residential Services	Corporate Overview and Scrutiny Committee	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251 susan.cooper@bridgend.gov.uk
Jan	CIW investigation into Looked After Children	Corporate Overview and Scrutiny	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251

Date	Title and Description of Report	Scrutiny Committee	Contact Officer
		Committee	susan.cooper@bridgend.gov.uk
Between 13 Jul and 29 Mar	Empty Properties	Corporate Overview and Scrutiny Committee	Darren Mepham, Chief Executive Tel: 01656 643227 darren.mepham@bridgend.gov.uk
Between 1 Nov and 28 Feb	Parks and Playing Fields	Corporate Overview and Scrutiny Committee	Mark Shephard, Corporate Director - Communities Tel: 01656 643380 mark.shephard@bridgend.gov.uk
Nov	Direct Payment Scheme	Corporate Overview and Scrutiny Committee	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251 susan.cooper@bridgend.gov.uk
Between 1 Nov and 1 Apr	Communication and Engagement	Corporate Overview and Scrutiny Committee	Darren Mepham, Chief Executive Tel: 01656 643227 darren.mepham@bridgend.gov.uk
Between 1 Sep and 1 Apr	Collaboration - Internal and with third sector	Corporate Overview and Scrutiny Committee	Darren Mepham, Chief Executive Tel: 01656 643227 darren.mepham@bridgend.gov.uk

Date	Title and Description of Report	Scrutiny Committee	Contact Officer
Between 1 Sep and 26 Apr	Digital Transformation	Corporate Overview and Scrutiny Committee	Darren Mepham, Chief Executive Tel: 01656 643227 darren.mepham@bridgend.gov.uk
Between 1 Sep and 30 Apr	New Local Development Plan	Corporate Overview and Scrutiny Committee	Mark Shephard, Corporate Director - Communities Tel: 01656 643380 mark.shephard@bridgend.gov.uk
Between 1 Sep and 1 May	Corporate Landlord	Corporate Overview and Scrutiny Committee	Mark Shephard, Corporate Director - Communities Tel: 01656 643380 mark.shephard@bridgend.gov.uk
Between 1 Sep and 1 Apr	Collaboration with Town and Community Councils	Corporate Overview and Scrutiny Committee	Darren Mepham, Chief Executive Tel: 01656 643227 darren.mepham@bridgend.gov.uk
Between 13 Jul and 1 Apr	Community Services	Corporate Overview and Scrutiny Committee	Mark Shephard, Corporate Director - Communities Tel: 01656 643380 mark.shephard@bridgend.gov.uk

Date	Title and Description of Report	Scrutiny Committee	Contact Officer
Between 1 Sep and 1 Apr	Supporting People Grant Programme	Corporate Overview and Scrutiny Committee	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251 susan.cooper@bridgend.gov.uk
Between 1 Jan and 29 Mar	Child Adolescent Mental Health Services	Corporate Overview and Scrutiny Committee	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251 susan.cooper@bridgend.gov.uk
Jan	Care Inspectorate Wales (CIW) Inspection of Children's Services	Corporate Overview and Scrutiny Committee	Susan Cooper, Corporate Director - Social Services & Wellbeing Tel: 01656 642251 susan.cooper@bridgend.gov.uk

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE CORPORATE DIRECTOR - OPERATIONAL AND PARTNERSHIPS AND MONITORING OFFICER

REPRESENTATION ON OUTSIDE BODIES & JOINT COMMITTEES

1. Purpose of report

- 1.1 The purpose of this report is to seek Cabinet's approval for the appointment of Members to joint committees and the nomination of Members to outside bodies. A list of the joint committees and outside bodies concerned is appended to this report at Appendix 1.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate priority/priorities:-

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
3. **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

- 2.2 The Authority's continuing partnership working with a wide range of organisations within the County Borough contributes to the achievement of the Corporate Priorities.

3. Background

- 3.1 The Authority is represented on a number of outside bodies and joint committees as listed in Appendix 1.

4. Current situation/proposal

- 4.1 It is proposed that Members be appointed for a term of one year except where earlier revocation of appointment is appropriate.

4.2 It is proposed that where Cabinet nominates on the basis of a Member's role within the Authority the appointment be attached to the role and not to the individual Member, e.g. Scrutiny Chair, Cabinet Member.

4.3 All appointments are made with the assumption that appointees represent Bridgend County Borough Council. Should any appointee cease to be a Bridgend County Borough Councillor, they will cease to represent this Authority and are expected to relinquish their appointments as necessary.

5. Effect upon policy framework and procedure rules

5.1 None

6. Equality Impact Assessment

6.1 There are no equalities impact issues arising from this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The following is a summary of the implications to show how the 5 ways of working have been used to formulate the recommendation:

- Long-term - The approval of this report will assist in the long term planning of the business of the Council by the continuation of effective relationships with other organisations.
- Prevention - Continued and relevant representation supports the Council by enhancing its current and future relationships.
- Integration - The report supports all the wellbeing objectives.
- Collaboration - This report supports partnership working with other organisations both locally and regionally.
- Involvement - This report will maintain a relationship with other organisations through effective partnership working.

8. Financial implications

8.1 There are no financial implications.

9. Recommendation

9.1 Cabinet is recommended to: -

8.1 appoint the requisite number of Members to the joint committees and other outside bodies as listed in **Appendix 1**.

Corporate Director Operational and Partnership Services and Monitoring Officer

6th June 2018

Contact Officer: Ruth Ronan
Senior Democratic Services Officer - Support

Telephone: (01656) 643250

E-mail: Ruth.Ronan@bridgend.gov.uk

Postal Address Democratic Services
Legal & Regulatory Services
Level 4
Civic Offices

Background documents

None.

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JOINT COMMITTEES -CABINET

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SERIAL	ORGANISATION	REQUIRED REPRESENTATION	CURRENT/PROPOSED REPRESENTATION
a.	Coychurch Crematorium Joint Committee	One Cabinet Member and five other County Borough Councillors	<ol style="list-style-type: none"> 1. Cabinet Member – Communities 2. Councillor J Spanswick 3. Councillor A Pucella 4. Councillor E Venables 5. Councillor J Williams 6. Councillor DB F White
b.	Glamorgan Archives Joint Committee	One Cabinet Member and one other County Borough Councillor	<ol style="list-style-type: none"> 1. Cabinet Member – Education, and Regeneration 2. Cllr N Burnett
c.	Capita Glamorgan Ltd. Joint Venture Committee	Two Cabinet Members and three other County Borough Councillors	<ol style="list-style-type: none"> 1. Cabinet Member – Communities 2. Deputy Leader 3. Chairperson – Scrutiny Subject Committee 3 (J Spanswick) 4. Councillor – Cllr P A Davies 5. Councillor – Cllr G Thomas
d.	Central South Consortium Joint Education Committee	Cabinet Member – Education, and Regeneration	<ol style="list-style-type: none"> 1. Cabinet Member – Education, and Regeneration
e.	Margam Crematorium Joint Committee	Two County Borough Councillors	<ol style="list-style-type: none"> 1. Councillor S Smith 2. Councillor A Pucella
f.	Regulatory Services Joint Committee	One Cabinet Member and one other County Borough Councillor	<ol style="list-style-type: none"> 1. Cabinet Member – Wellbeing and Future Generations 2. Councillor DRW Lewis
g.	Welsh Purchasing Consortium Management Committee	One Cabinet Member	<ol style="list-style-type: none"> 1. Cabinet Member – Wellbeing and Future Generations

OUTSIDE BODIES -CABINET

SERIAL	ORGANISATION	REQUIRED REPRESENTATION	PROPOSED REPRESENTATION
1.	Adoption Panel	1 Member	Cabinet Member – Social Services and Early Help
2.	South Wales Aggregates Working Party	1 Member	Cabinet Member - Communities
3.	The Alliance (formerly Coalfields Communities Campaign)	2 Members	1. Cabinet Member – Communities 2. Councillor DBF White
4.	Bridgend Care Partnership	4 Members	1. Leader 2. Deputy Leader 3. Cabinet Member – Wellbeing and Future Generations 4. Cabinet Member – Social Services and Early Help
5.	Bridgend Care and Repair	2 Members	1. Cabinet Member – Social Services and Early Help 2. Cllr C A Green
6.	Bridgend & Maesteg Citizens Advice Bureau	2 Members	Cabinet Member – Regeneration and Economic Development Cabinet Member – Wellbeing and Future Generations
7.	Bridgend Cultural Trust	2 Members (cross party)	1. Councillor J R McCarthy 2. Councillor J H Tildesley, MBE
8.	Bridgend Local Service Board	1 Member (plus 1 substitute)	Leader Deputy Leader
9.	Bridgend Tourism Forum	1 Member	Cabinet Member – Education, and Regeneration
10.	Bridgend Town Hall Trust	4 Members	1. Councillor S Baldwin 2. Councillor N Burnett 3. Councillor SE Smith 4. Councillor DBF White
11.	British Resorts and Destinations Association (BRADA)	1 Member	Cabinet Member – Education, and Regeneration
12.	Business in Focus	1 Member	Cabinet Member – Education, and Regeneration
13.	Cardiff International Airport Consultative Committee	1 Member	Cabinet Member – Communities
14.	C.L.A.W. (Consortium of Local Authorities in Wales)	1 (or 2) Member(s) (Most Councils have 1)	Deputy Leader
15.	Communities Partnership	1 Members	Cabinet Member - Communities

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SERIAL	ORGANISATION	REQUIRED REPRESENTATION	PROPOSED REPRESENTATION
16.	ABM Community Health Council	3 Members	1. Councillor CA Green 2. Councillor DFB White 3. Councillor A Hussain
17.	Coity Wallia Board of Conservators	2 Members	1. Councillor DRW Lewis 2. Councillor G Thomas
18.	Flood Risk Management Wales	1 Member	Cabinet Member – Communities
19.	Fostering Panel	1 Member	Cabinet Member – Social Services and Early Help
20.	Four Counties Youth Music Steering Group	1 Member	Cabinet Member – Education, and Regeneration
21.	Glamorgan Heritage Coast Advisory Panel	1 Member	Cabinet Member – Education, and Regeneration
22.	Local Access Forum	1 Member	Councillor R Granville
23.	PATROL - Adjudication Joint Committee	1 Member	Cabinet Member – Communities
24.	Porthcawl Regeneration Forum	1 Member	Cabinet Member – Education, and Regeneration
25.	Joint Council For Wales	1 Members	Deputy Leader
26.	Rest Bay Coastal Partnership	1 Member	Cabinet Member – Education, and Regeneration
27.	SACRE	5 Members	1. Cabinet Member – Education, and Regeneration 2. Councillor CA Green 3. Councillor JH Tildesley MBE 4. Councillor C Webster 5. J McCarthy

SERIAL	ORGANISATION	REQUIRED REPRESENTATION	PROPOSED REPRESENTATION
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SERIAL	ORGANISATION	REQUIRED REPRESENTATION	PROPOSED REPRESENTATION
28.	Environment Agency Wales -South West Wales Area Environment Group	1 Member	Cabinet Member – Communities
29.	South Wales Fire Service	2 Members	Councillor DBF White Councillor R Shaw
30.	South West Wales Regional Waste Management Committee	2 Members	Deputy Leader Councillor G Thomas
31.	South West Wales Regional Waste Plan Forum	1 Member	Deputy Leader
32.	Sports Council for Wales – Community Chest Panel	1 Member	Cabinet Member – Wellbeing and Future Generations
33.	Swansea/Carmarthen Bay Coastal Engineering Group	2 Members	1. Cabinet Member – Education, and Regeneration 2. Councillor G Thomas
34.	Swansea Bay Port Health Authority	2 Members	1. Cabinet Member – Education, and Regeneration 2. Councillor G Thomas
35.	Territorial Auxiliary and Volunteer Reserve Association	1 Member	Councillor R Shaw
36.	University of Swansea Court of Governors	Invitation for 1 Member I Officer	Leader Corporate Director – Education and Regeneration
37.	Valleys to Coast Management Board	3 Members	1. Deputy Leader (Corporate Member) 2. Cabinet Member - Wellbeing and Future Generations 3. Councillor S E Baldwin
2	South Wales Valuation Tribunal - Appointments Committee	2 Members	Councillor R Collins Councillor S Baldwin
3	Wales Council for the Blind	1 Member	Cabinet Member – Social Services and Early Help
4	Western Bay Partnership Forum	Leader and Deputy Leader and two other members	1. Leader 2. Deputy Leader 3. Cabinet Member – Social Services and Early Help 4. Cabinet Member - Wellbeing and Future Generations
5	Western Bay Youth Justice & Early Intervention Service Management Board	1 Member	Cabinet Member - Wellbeing and Future Generations
6	WJEC	1 Member	Nomination from Neath Port Talbot CBC

SERIAL	ORGANISATION	REQUIRED REPRESENTATION	PROPOSED REPRESENTATION
7	WLGA Council	3 Members	Leader Deputy Leader Councillor N Clarke Voting – En Bloc
8	WLGA Executive Board	1 Member	Leader

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

INFORMATION REPORTS FOR NOTING

1. Purpose of Report .

- 1.1 The purpose of this report is to inform Cabinet of the Information Reports for noting which have been published since its last scheduled meeting.

2. Connection to Corporate Improvement Objectives.

- 2.1 The report relates to the Corporate Priority Smarter Use of Resources by improving the way we communicate and engage with citizens.

3. Background.

- 3.1 At a previous meeting of Cabinet, it was resolved to approve a revised procedure for the presentation to Cabinet of Information Reports for noting.

4. Current situation / proposal.

4.1 Information Reports

The following information reports have been published since the last meeting of Cabinet:-

<u>Title</u>	<u>Date Published</u>
Estyn Inspection Outcomes For Betws Primary School	13 June 2018
Estyn Inspection Outcomes For Coety Primary School	13 June 2018
Estyn Inspection Outcomes For Litchard Primary School	13 June 2018
Estyn Inspection Outcomes For Plasnewydd Primary School	13 June 2018
Estyn Inspection Outcomes For Trelales Primary School	13 June 2018

4.2 Availability of Documents

The documents have been circulated to Elected Members electronically via Email and placed on the BCBC website, and also are available from the date of publication.

5. Effect upon Policy Framework and Procedure Rules.

5.1 This procedure has been adopted within the procedure rules of the Constitution.

6. Equality Impact Assessment

6.1 There are no negative equality implications arising from this report.

7. Wellbeing of Future Generations (Wales) Act 2015 Implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial Implications.

8.1 There are no financial implications regarding this report.

9. Recommendation.

9.1 That Cabinet acknowledges the publication of the documents listed in this report.

P A Jolley
Corporate Director Operational and Partnership Services
13 June 2018

Contact Officer: Andrew Rees
Senior Democratic Services Officer – Committees
Telephone: (01656) 643147
Email: cabinet_committee@bridgend.gov.uk

Postal address: Cabinet & Committee Services
Operational & Partnership Services
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents: Reports referred to in Paragraph 4.1 of this report.

BRIDGEND COUNTY BOROUGH COUNCIL

INFORMATION REPORT TO CABINET

19 JUNE 2018

REPORT OF THE INTERIM CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

ESTYN INSPECTION OUTCOMES FOR BETWS PRIMARY SCHOOL

1. Purpose of report

1.1 This report informs Cabinet of the outcomes of the recent Estyn inspection of Betws Primary School.

2. Connection to corporate improvement objectives/other corporate priorities

2.1 The information in this report relates to the following strategic priority in the Corporate Plan:

Supporting a successful economy - taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

3. Background

3.1 Betws Primary School was inspected by Estyn in November 2017 and the report was published on 25 January 2018. The full text of the report is available on the Estyn website: www.estyn.gov.uk

4. Current situation/proposal

4.1 Inspectors reached the following judgements:

Inspection Area	Judgement
Standards	Adequate and needs improvement
Wellbeing and attitudes to learning	Good
Teaching and learning experiences	Adequate and needs improvement
Care, support and guidance	Good
Learning and management	Adequate and needs improvement

4.2 The report included the following recommendations:

- R1 Raise teachers' expectations to increase the challenge for all pupils
- R2 Improve pupils' reading skills
- R3 Improve standards in weaker areas of information and communication technology (ICT)
- R4 Plan purposeful opportunities for pupils in the foundation phase to develop their independent learning skills in the outdoor environment

R5 Ensure that leaders' roles are distributed appropriately, and that they focus strategically on improving outcomes for all pupils

4.3 The school will draw up a post-inspection action plan which will show how it will address the recommendations. Estyn will review the school's progress.

4.4 The local authority with Central South Consortium will support the school to continue to improve outcomes and address all the recommendations.

5. Effect upon policy framework and procedure rules

5.1 There is no impact on the Council's policy framework or procedure rules.

6. Well-being of Future Generations (Wales) Act 2015 Assessment

6.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long-term Supports the improvement of standards and outcomes in schools.

Prevention Development of post-inspection action plans or refinement of school improvement plans helps to ensure that recommendations identified are addressed and acted upon to secure school improvement, preventing standards from slipping.

Integration Monitoring and acting upon school inspection reports is key to ensuring that outcomes for schools are achieved thus helping to support a successful economy.

Collaboration The local authority works closely with schools, Estyn and with the Central South Consortium (CSC) to deliver the well-being objectives related to school improvement. The local authority receives the school inspection reports from Estyn and this informs the work conducted by CSC to deliver the support for school improvement services.

Involvement This area of work involves all stakeholders in school improvement. Schools work closely with challenge advisers from CSC to refine their improvement plans or post-inspection action plans and to identify strategic support from the local authority, CSC and elsewhere (as required) reflecting the diversity of stakeholders involved in aspects of school improvement.

7. Financial implications

7.1 There are no financial implications arising directly from this information report.

8. Recommendation

8.1 It is recommended that Cabinet notes the content of this report.

Lindsay Harvey
Interim Corporate Director – Education and Family Support

Telephone: (01656) 642612

E-mail: [Lindsay Harvey@bridgend.gov.uk](mailto:Lindsay.Harvey@bridgend.gov.uk)

Postal Address Education and Family Support Directorate
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents

Estyn inspection report

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BRIDGEND COUNTY BOROUGH COUNCIL

INFORMATION REPORT TO CABINET

19 JUNE 2018

REPORT OF THE INTERIM CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

ESTYN INSPECTION OUTCOMES FOR COETY PRIMARY SCHOOL

1. Purpose of report

- 1.1 This report informs Cabinet of the outcomes of the recent Estyn inspection of Coety Primary School.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 The information in this report relates to the following strategic priority in the Corporate Plan:

Supporting a successful economy - taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

3. Background

- 3.1 Coety Primary School was inspected by Estyn in March 2018 and the report was published on 17 May 2018. The full text of the report is available on the Estyn website: www.estyn.gov.uk

4. Current situation/proposal

- 4.1 Inspectors reached the following judgements:

Inspection Area	Judgement
Standards	Good
Wellbeing and attitudes to learning	Good
Teaching and learning experiences	Adequate and needs improvement
Care, support and guidance	Good
Learning and management	Adequate and needs improvement

- 4.2 The report included the following recommendations:

- R1 Ensure that all staff receive appropriate support and feedback to help them develop professionally
- R2 Increase staff involvement in the process for school improvement planning
- R3 Provide better opportunities to develop pupils' independent learning skills in the foundation phase
- R4 Improve provision for numeracy across the curriculum

- 4.3 The school will draw up a post-inspection action plan which will show how it will address the recommendations. Estyn will review the school's progress.
- 4.4 The local authority with Central South Consortium will support the school to continue to improve outcomes and address all the recommendations.

5. Effect upon policy framework and procedure rules

- 5.1 There is no impact on the Council's policy framework or procedure rules.

6. Well-being of Future Generations (Wales) Act 2015 Assessment

- 6.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long-term Supports the improvement of standards and outcomes in schools.

Prevention Development of post-inspection action plans or refinement of school improvement plans helps to ensure that recommendations identified are addressed and acted upon to secure school improvement, preventing standards from slipping.

Integration Monitoring and acting upon school inspection reports is key to ensuring that outcomes for schools are achieved thus helping to support a successful economy.

Collaboration The local authority works closely with schools, Estyn and with the Central South Consortium (CSC) to deliver the well-being objectives related to school improvement. The local authority receives the school inspection reports from Estyn and this informs the work conducted by CSC to deliver the support for school improvement services.

Involvement This area of work involves all stakeholders in school improvement. Schools work closely with challenge advisers from CSC to refine their improvement plans or post-inspection action plans and to identify strategic support from the local authority, CSC and elsewhere (as required) reflecting the diversity of stakeholders involved in aspects of school improvement.

7. Financial implications

- 7.1 There are no financial implications arising directly from this information report.

8. Recommendation

- 8.1 It is recommended that Cabinet notes the content of this report.

Lindsay Harvey
Interim Corporate Director – Education and Family Support

Telephone: (01656) 642612

E-mail: [Lindsay Harvey@bridgend.gov.uk](mailto:Lindsay.Harvey@bridgend.gov.uk)

Postal Address Education and Family Support Directorate
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents

Estyn inspection report

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BRIDGEND COUNTY BOROUGH COUNCIL

INFORMATION REPORT TO CABINET

19 JUNE 2018

REPORT OF THE INTERIM CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

ESTYN INSPECTION OUTCOMES FOR LITCHARD PRIMARY SCHOOL

1. Purpose of report

- 1.1 This report informs Cabinet of the outcomes of the recent Estyn inspection of Litchard Primary School.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 The information in this report relates to the following strategic priority in the Corporate Plan:

Supporting a successful economy - taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

3. Background

- 3.1 Litchard Primary School was inspected by Estyn in November 2017 and the report was published on 11 January 2018. The full text of the report is available on the Estyn website: www.estyn.gov.uk

4. Current situation/proposal

- 4.1 Inspectors reached the following judgements:

Inspection Area	Judgement
Standards	Good
Wellbeing and attitudes to learning	Good
Teaching and learning experiences	Good
Care, support and guidance	Good
Learning and management	Good

- 4.2 The report included the following recommendations:

- R1 Improve pupils' Welsh oracy, reading and writing skills in key stage 2
R2 Improve pupils' decision-making skills so that they can make independent choices about how and what they learn
R3 Ensure that teachers' feedback tells pupils what they need to do to improve their work
R4 Develop outdoor learning in the foundation phase

- 4.3 The school will draw up a post-inspection action plan which will show how it will address the recommendations.
- 4.4 The local authority with Central South Consortium will support the school to continue to improve outcomes and address all the recommendations.

5. Effect upon policy framework and procedure rules

- 5.1 There is no impact on the Council's policy framework or procedure rules.

6. Well-being of Future Generations (Wales) Act 2015 Assessment

- 6.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long-term Supports the improvement of standards and outcomes in schools.

Prevention Development of post-inspection action plans or refinement of school improvement plans helps to ensure that recommendations identified are addressed and acted upon to secure school improvement, preventing standards from slipping.

Integration Monitoring and acting upon school inspection reports is key to ensuring that outcomes for schools are achieved thus helping to support a successful economy.

Collaboration The local authority works closely with schools, Estyn and with the Central South Consortium (CSC) to deliver the well-being objectives related to school improvement. The local authority receives the school inspection reports from Estyn and this informs the work conducted by CSC to deliver the support for school improvement services.

Involvement This area of work involves all stakeholders in school improvement. Schools work closely with challenge advisers from CSC to refine their improvement plans or post-inspection action plans and to identify strategic support from the local authority, CSC and elsewhere (as required) reflecting the diversity of stakeholders involved in aspects of school improvement.

7. Financial implications

- 7.1 There are no financial implications arising directly from this information report.

8. Recommendation

- 8.1 It is recommended that Cabinet notes the content of this report.

Lindsay Harvey
Interim Corporate Director – Education and Family Support

Telephone: (01656) 642612

E-mail: [Lindsay Harvey@bridgend.gov.uk](mailto:Lindsay.Harvey@bridgend.gov.uk)

Postal Address Education and Family Support Directorate
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents

Estyn inspection report

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BRIDGEND COUNTY BOROUGH COUNCIL

INFORMATION REPORT TO CABINET

19 JUNE 2018

REPORT OF THE INTERIM CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

ESTYN INSPECTION OUTCOMES FOR PLASNEWYDD PRIMARY SCHOOL

1. Purpose of report

1.1 This report informs Cabinet of the outcomes of the recent Estyn inspection of Plasnewydd Primary School.

2. Connection to corporate improvement objectives/other corporate priorities

2.1 The information in this report relates to the following strategic priority in the Corporate Plan:

Supporting a successful economy - taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

3. Background

3.1 Plasnewydd Primary School was inspected by Estyn in January 2018 and the report was published on 4 April 2018. The full text of the report is available on the Estyn website: www.estyn.gov.uk

4. Current situation/proposal

4.1 Inspectors reached the following judgements:

Inspection Area	Judgement
Standards	Unsatisfactory and needs urgent improvement
Wellbeing and attitudes to learning	Good
Teaching and learning experiences	Unsatisfactory and needs urgent improvement
Care, support and guidance	Adequate and needs urgent improvement
Learning and management	Unsatisfactory and needs urgent improvement

4.2 The report included the following recommendations:

- R1 Improve the quality of teaching and assessment in key stage 2
- R2 Raise standards in reading, writing and mathematics in key stage 2
- R3 Revise the curriculum so that it is broad and balanced and meets the needs of all pupils

- R4 Challenge more able pupils
- R5 Strengthen the effectiveness of senior leaders in identifying and addressing shortcomings in standards and provision
- R6 Address the safeguarding issues identified during the inspection

- 4.3 The school will draw up a post-inspection action plan which will show how it will address the recommendations. Estyn will review the school's progress.
- 4.4 The local authority with Central South Consortium will support the school to continue to improve outcomes and address all the recommendations.

5. Effect upon policy framework and procedure rules

- 5.1 There is no impact on the Council's policy framework or procedure rules.

6. Well-being of Future Generations (Wales) Act 2015 Assessment

- 6.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long-term	Supports the improvement of standards and outcomes in schools.
Prevention	Development of post-inspection action plans or refinement of school improvement plans helps to ensure that recommendations identified are addressed and acted upon to secure school improvement, preventing standards from slipping.
Integration	Monitoring and acting upon school inspection reports is key to ensuring that outcomes for schools are achieved thus helping to support a successful economy.
Collaboration	The local authority works closely with schools, Estyn and with the Central South Consortium (CSC) to deliver the well-being objectives related to school improvement. The local authority receives the school inspection reports from Estyn and this informs the work conducted by CSC to deliver the support for school improvement services.
Involvement	This area of work involves all stakeholders in school improvement. Schools work closely with challenge advisers from CSC to refine their improvement plans or post-inspection action plans and to identify strategic support from the local authority, CSC and elsewhere (as required) reflecting the diversity of stakeholders involved in aspects of school improvement.

7. Financial implications

7.1 There are no financial implications arising directly from this information report.

8. Recommendation

8.1 It is recommended that Cabinet notes the content of this report.

Lindsay Harvey Interim Corporate Director – Education and Family Support

Telephone: (01656) 642612

E-mail: [Lindsay Harvey@bridgend.gov.uk](mailto:Lindsay.Harvey@bridgend.gov.uk)

Postal Address Education and Family Support Directorate
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents

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BRIDGEND COUNTY BOROUGH COUNCIL

INFORMATION REPORT TO CABINET

19 JUNE 2018

REPORT OF THE INTERIM CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

ESTYN INSPECTION OUTCOMES FOR TRELALES PRIMARY SCHOOL

1. Purpose of report

- 1.1 This report informs Cabinet of the outcomes of the recent Estyn inspection of Trelales Primary School.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 The information in this report relates to the following strategic priority in the Corporate Plan:

Supporting a successful economy - taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

3. Background

- 3.1 Trelales Primary School was inspected by Estyn in January 2018 and the report was published on 4 April 2018. The full text of the report is available on the Estyn website: www.estyn.gov.uk

4. Current situation/proposal

- 4.1 Inspectors reached the following judgements:

Inspection Area	Judgement
Standards	Good
Wellbeing and attitudes to learning	Good
Teaching and learning experiences	Adequate and needs improvement
Care, support and guidance	Good
Learning and management	Adequate and needs improvement

- 4.2 The report included the following recommendations:

- R1 Strengthen the role of leaders at all levels so that they operate more strategically and focus more sharply on pupils' standards and improving provision
- R2 Develop governors' role in monitoring the quality of provision and pupils' progress to enable them to challenge the school's performance
- R3 Ensure that the planned curriculum meets the needs of all pupils and develops their skills, particularly numeracy across the curriculum

R4 Improve the quality of teaching by sharing the best practice in the school more effectively

4.3 The school will draw up a post-inspection action plan which will show how it will address the recommendations. Estyn will review the school's progress.

4.4 The local authority with Central South Consortium will support the school to continue to improve outcomes and address all the recommendations.

5. Effect upon policy framework and procedure rules

5.1 There is no impact on the Council's policy framework or procedure rules.

6. Well-being of Future Generations (Wales) Act 2015 Assessment

6.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long-term Supports the improvement of standards and outcomes in schools.

Prevention Development of post-inspection action plans or refinement of school improvement plans helps to ensure that recommendations identified are addressed and acted upon to secure school improvement, preventing standards from slipping.

Integration Monitoring and acting upon school inspection reports is key to ensuring that outcomes for schools are achieved thus helping to support a successful economy.

Collaboration The local authority works closely with schools, Estyn and with the Central South Consortium (CSC) to deliver the well-being objectives related to school improvement. The local authority receives the school inspection reports from Estyn and this informs the work conducted by CSC to deliver the support for school improvement services.

Involvement This area of work involves all stakeholders in school improvement. Schools work closely with challenge advisers from CSC to refine their improvement plans or post-inspection action plans and to identify strategic support from the local authority, CSC and elsewhere (as required) reflecting the diversity of stakeholders involved in aspects of school improvement.

7. Financial implications

7.1 There are no financial implications arising directly from this information report.

8. Recommendation

8.1 It is recommended that Cabinet notes the content of this report.

Lindsay Harvey
Interim Corporate Director – Education and Family Support

Telephone: (01656) 642612

E-mail: [Lindsay Harvey@bridgend.gov.uk](mailto:Lindsay.Harvey@bridgend.gov.uk)

Postal Address Education and Family Support Directorate
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 JUNE 2018

JOINT REPORT OF THE CORPORATE DIRECTOR COMMUNITIES AND THE INTERIM HEAD OF FINANCE AND SECTION 151 OFFICER

PROCUREMENT OF WASTE MANAGEMENT SERVICES PROVIDED AT THE MATERIALS RECOVERY AND ENERGY CENTRE (MREC) AT CRYMLYN BURROWS, NEATH PORT TALBOT

1. Purpose of Report

- 1.1 The purpose of this report is to update Cabinet on Bridgend County Borough Council's (BCBC) waste management services and to seek approval to:
 - 1.1.1 accept, subject to Neath Port Talbot (NPT) entering into the new Appointment and the expiry of the Voluntary Ex-Ante Transparency Notice ("VEAT notice") and there being no notification of challenge, the offer submitted by Walters Plant Hire Limited in May 2016.
 - 1.1.2 delegate authority to the Corporate Director Communities in consultation with the Interim Head of Finance and Section 151 Officer and Group Manager Legal Services to negotiate and settle the final terms of the new Appointment and thereafter authorise the Group Manager Legal Services to enter into the said Appointment and any associated documentation.
 - 1.1.3 delegate authority to the Group Manager Legal Services to agree with NPT Council to issue a Voluntary Ex-Ante Transparency Notice ("VEAT Notice") in the Official Journal of the European Union.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate priority:

Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure schools are focused on raising the skills, qualifications and ambitions of all people in the county. This report seeks to achieve that by ensuring the most efficient and cost effective disposal of 'residual' domestic household waste and other waste from the County Borough's Community Recycling Centres, and achieving financial savings as set out in the Council's Medium Term Financial Strategy ("MTFS").

3. Background

- 3.1 The Council has an existing and long standing contractual position with Neath Port Talbot Council ("NPT") in respect of the Materials Recovery and Energy Centre ("MREC") situated in the County Borough of Neath Port Talbot, which has over 10 years left to run. Certain waste disposal functions are discharged by NPT on behalf of Bridgend, as set out in an inter-authority agreement ("the Original Appointment")

entered into by the two authorities at the time of the original waste management Private Finance Initiative (“PFI”) contract in 2000, and as varied by an agreement dated 8th September 2010 (“the Variation Agreement”). Neath Port Talbot (Recycling) Limited (“NPTRL”), a wholly owned subsidiary of Neath Port Talbot Waste Management Company Limited, which in turn is wholly owned by NPT, currently manages and operates the MREC. While Bridgend currently disposes of its household domestic residual waste, Community Recycling Centre (“CRC”) waste and commercial waste at the MREC, NPT also use the MREC to sort and dispose of their various household domestic waste recycling streams.

- 3.2 The current disposal charge levied by the MREC facility is significantly above accepted market rates. Therefore both Bridgend and Neath Port Talbot Councils as part of their medium term financial plans have identified savings against the operational cost attached to the MREC facility. To achieve these savings both parties have agreed to terminate the existing arrangements between the contracting Authority (NPT) and the MREC and to replace this with a new market tested contract, again with NPT as the contracting Authority and to replace any previous appointment/contract between BCBC and NPT to reflect these new arrangements. The governance for this procurement was set out in a memorandum of understanding (“MOU”) between the parties agreed in 2013.
- 3.3 A procurement exercise was undertaken, led by NPT on behalf of both Authorities, which failed to secure a new operating contractor. At the time the bidding contractors failed to submit a compliant tender, citing risk transfer as a barrier to accepting the Council’s contract as drafted.
- 3.4 With no compliant tenders received and the termination of the tender exercise the Councils were free to consider a number of procurement options.
- 3.5 This included the use of the negotiated procedure without prior publication in line with regulation 32 (2) (a) of the Public Contract Regulations 2015. The use of this procedure is permitted where:
 1. No tenders or no suitable tenders have been submitted in response to a previous tender exercise
 2. The original terms of the proposed Waste Service Agreement offered in the ‘failed’ tender exercise have not been substantially altered; and
 3. That a report is sent to the European Commission if requested.
- 3.6 Offers were therefore invited based on the original tender documents. Two companies expressed interest and submitted bids. Technical and financial advice was then sought on the bids received. During October 2017 NPT received confirmation from one of the bidders that due to changes in market circumstances they no longer were pursuing the contract.

4. Current Situation / Proposal

- 4.1 The remaining bidder is Walters Plant Hire Limited (“Walters”). They confirmed in late 2017 that they wish to continue to be considered for the contract award in line with their tender bid.

The following points summarise the bid compared to the existing arrangements:

1. The tender exercise set out a minimum 6 year waste services agreement period with an option for the Council to terminate annually thereafter up to year 12. As we are now more than 2 years on from the start of the procurement process, Walters have been informed that the waste service agreement period will be for a minimum of 6 years with a potential annual extension to a maximum period of 10 years.
 2. Meets or betters the minimum financial and technical benchmarks that were set out in the original tender exercise
 3. Proposes to receive all NPT and Bridgend residual waste for derived fuel (“RDF”) for use at off site waste to energy facilities.
 4. To only treat that amount of residual waste that both Councils require in order to meet their statutory waste recycling targets, with all other residual waste being sent to landfill provided that is the most cost effective option
 5. Proposes to receive all NPT recyclables at the MREC site; and provides for provisional items in respect of Bridgend waste streams not currently sent to the MREC.
 6. The new contractual arrangements do not include a fixed price and a level of ‘minimum tonnage’ to be delivered to the MREC, instead each Authority will be charged for the actual tonnage delivered to the facility
- 4.2 The MOU sets out the agreed way forward with regards to the procurement process, which together with the stated objective to put in place a new waste services contract, also agrees to put in place a new simplified Appointment between both Councils. Correspondingly, a new Appointment is currently being prepared. This will be finalised upon signing of the Waste Service Agreement.
- 4.3 The Variation Agreement included a settlement payment from Bridgend Council to NPT. The payment of any outstanding amount will continue to be payable by Bridgend Council and provision for payment will be superseded by a provision for two equal and separate instalment payments within the new appointment.
- 4.4 Officers of this Council have met regularly with officers from NPT and have agreed that NPT members will receive recommendations in line with those set out in this report. We now understand that a cabinet report on this matter is due to be presented in NPT in July.
- 4.5 As with all such procurements, there is always a risk of challenge. However, NPT and Bridgend intend to mitigate such a risk by publishing a VEAT Notice to remove the risk of the contract being set aside once it has been entered into and any associated risk of fines (but not the risk of a damages claim if there is a subsequent

challenge). Under Legislation, there must be a period of at least 10 days between the date the VEAT Notice is published and the Waste Services Agreement is entered into. To ensure further protection to both parties it is proposed that the Waste Services Agreement will be entered into 30 days from the date of publication of the VEAT Notice.

- 4.6 In addition there are a range of other issues that NPT will also need to deal with as owners of the MREC site.
- 4.7 At the same time as entering into the waste services agreement, it is proposed that NPT and Walters enter into a lease for the MREC site. The proposed lease will be coterminous with the waste services agreement and will require the operating contractor to pay an annual rent of £200,000 to NPT (subject to annual review on 1st April of each year following the 5th anniversary of contract commencement). The proposed lease will also require the operating contractor to pay an additional rent of £4 per tonne based on the total tonnage of residual waste processed at the site (NPT, Bridgend and any third party waste all counting). Money accumulating from this levy will be set aside to cover, for example, amongst other things, liabilities associated with the winding up of Neath Port Talbot Recycling Limited (NPTRL) and any residual liabilities which may arise at the end of the Waste Services Agreement.
- 4.8 Any liabilities associated with existing known ground and ground water contamination will be retained by NPT as landowner and an up to date contamination survey has been undertaken by NPT to identify what liabilities could be present.
- 4.9 Currently, plant and equipment at the MREC is variously owned by either NPT or NPTRL. NPT wishes to own certain assets (“retained assets”) which will be let to the operating company as part of the Lease. These assets will return to NPT in the event that the Lease falls. Retained assets are plant and equipment which will allow the site to operate as a transfer station in the event that the Waste Services Agreement and/or Lease fall. NPT also wishes to sell certain other assets (“transferring assets”) to the operating company as part of the Waste Services Agreement. The bidders were required to include a payment of £1,220,000 to NPT Council to acquire these assets. In order to do this, NPT must buy the assets. The purchase and the sale of the assets by NPT will be simultaneous, and not need to be funded by NPT Council. There is no impact from these proposals for Bridgend Council.
- 4.10 NPTRL will remain in occupation of the MREC and undertake waste management services until the Service Commencement Date (to be agreed between NPT, Bridgend and Walters). Arrangements with NPTRL for the provision of waste services will terminate upon the commencement of the services to be provided by Walters. At which point the Directors of NPTRL will be required to wind the company up. This process is anticipated to take at least nine months during which time the Directors will finalise the closing balance sheet. As a limited company NPTRL may wind-up with outstanding debts. The Directors of NPTRL have requested indemnities from NPT to cover any personal liabilities that they may face as a result of the Council making a decision to award the waste services contract to another party resulting in the winding-up of NPTRL. Accommodation for NPTRL will

be provided elsewhere in NPT by NPT to deal with the winding up process and relocate its files etc. The level of any NPTRL outstanding debts are at this time unknown and so this remains a risk.

4.11 The Waste Services Agreement identifies a service alignment period, during which time the contractor will be required to set in place all the necessary arrangements to provide the services. Certain of these arrangements will require the cooperation of NPTRL, including:

- The transfer of the Environmental Permit;
- The transfer of all other permits, licenses and approvals necessary for the operation of the facility; and
- The transfer of staff.

4.12 The offer from Walters is on the basis that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) applies, and as such the welfare of the transferring staff will be provided for under TUPE by Walters.

5. Effect upon Policy Framework & Procedure Rules

5.1 There is no impact on the Council’s policy framework and procedure rules.

6. Equality Impact Assessment

6.1 There are no equalities implications as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 Implications

7.1 The recommendations in the report are intended to ensure that the Council achieves the most efficient and cost effective arrangements for the disposal of its household domestic residual waste, community recycling centre waste, commercial waste and street litter. The beneficial impacts of this on future generations will be:

The Council anticipates that the new waste services contracts will allow it to dispose of its waste at a considerable cost saving compared to the current arrangements, particularly in view of the significantly reduced overall projected waste tonnages the Council will take to the MREC following the substantial increase in the recycling of waste that has been achieved since the commencement of the new waste collection contract with Kier just over a year ago. This saving will mean that other Council services can then be better protected for the benefit of future generations.

7.2 A copy of the completed Well-being of Future Generations (Wales) Act 2015 Assessment is attached at **Appendix 1**.

8. Financial Implications

8.1 Walters have submitted prices per tonne for each of the different waste streams they would be required to treat or manage under the Waste Services Agreement. Where the Councils set minimum financial benchmarks for tender evaluation, Walters submitted equal to or better than those benchmarks.

- 8.2 A value for money comparison in respect of the residual waste treatment cost is offered by the All-Wales Residual Waste Treatment Procurement Framework. The rate submitted by Walters is comparable to the rate in the All-Wales comparison.
- 8.3 The procurement of waste management services is included in the Council's MTFS, with total required savings of £200,000 for 2017/18. Assuming the continuation of existing waste streams collected at the kerbside, this submission will be able to deliver all of these savings as well as make a significant additional contribution to future years of the MTFS.
- 8.4 A financial appraisal based on the evaluation tonnages set out in the tender document shows a combined £1,500,000 per year saving for NPT Council and Bridgend, when compared to current costs. A detailed financial appraisal of savings is given in a separate private report.
- 8.5 One area of risk to NPT Council is that on winding-up NPTRL there may be insufficient funds available to pay off all the company's liabilities. It is not possible to know the amount of any net liability in this regard until the financial trading position of NPTRL is declared and Members of both councils will be kept informed as the final balance sheet becomes clearer. Although at this point in time this is not considered to be a major risk. Also, as mentioned previously, liabilities associated with ground and groundwater contamination will remain with NPT Council, as will the residual liabilities to clear the site at the end of the Waste Services Agreement.
- 8.6 Through the Lease, Walters will pay a rent to NPT Council of £200,000 per annum fixed subject to review, which is equal to the rent currently paid to NPT Council by NPTRL.
- 8.7 In addition Walters will pay to the Council, through the Lease an additional levy of £4 per tonne in respect of all residual waste processed at the site (NPT Council, Bridgend and third party residual waste all counting). Money accumulating from this levy will be set aside to cover, for example/ amongst other things, liabilities associated with the winding up of NPTRL and any residual liabilities which may arise at the end of the Waste Services Agreement.
- 8.8 There are clearly risks both in proceeding with the award of a new Waste Services Agreement but also significant financial risks associated with the status quo. A summary risk management assessment is set out as **Appendix 2**.

9. Recommendations

It is recommended that:

- 9.1 Cabinet accepts, subject to NPT entering into the new Appointment and the expiry of the VEAT notice and there being no notification of challenge, the offer submitted by Walters Plant Hire Limited in May 2016.
- 9.2 The Corporate Director Communities be delegated authority in consultation with the Interim Head of Finance and Section 151 Officer and Group Manager Legal Services to negotiate and settle the final terms of the new Appointment and thereafter authorise the Group Manager Legal Services to enter into the said Appointment and any associated documentation.

- 9.3 The Group Manager Legal Services be delegated authority to agree with NPT Council to issue a Voluntary Ex-Ante Transparency Notice (“VEAT Notice”) in the Official Journal of the European Union

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES AND
GILL LEWIS
INTERIM HEAD OF FINANCE AND SECTION 151 OFFICER
June 2018

Contact Officer: Mark Shephard
Telephone: 01656 643380
E-mail: Mark.Shephard@bridgend.gov.uk

Background documents:
None

Appendix 1

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015 ASSESSMENT

Project Description (key aims):

Provision of a new Waste Services Agreement with regard to the disposal of Bridgend County Borough Council household domestic residual waste (residual waste), and other waste from the Community Recycling Centres, (other waste) at the Materials Recovery and Energy Centre (MREC) at Crymlyn Burrows, Neath Port Talbot, to achieve the financial savings identified in the Council's Medium Term Financial Strategy (MTFS).

Section 1

Complete the table below to assess how well you have applied the 5 ways of working.

Long-term

(The importance of balancing short term needs with the need to safeguard the ability to also meet long term needs)

1. How does your project / activity balance short-term need with the long-term and planning for the future?

The proposal seeks to make short term significant financial savings for the disposal of the Council's residual waste and other waste while also ensuring that it keeps open the options after 6 years of entering into an alternative regional procurement for the disposal of residual waste which may be both potentially financially and environmentally advantageous. The proposal and approach has regard to the Welsh Government's statutory targets with regard to the percentage of waste that is recycled and the fact that the Council envisages that the total tonnage of residual waste it will take to the MREC over time will fall and therefore the flexibility of paying only for the tonnage it delivers to the MREC rather than a fixed annual price will be beneficial in the long term.

Prevention

(How acting to prevent problems occurring or getting worse may help public bodies meet their

2. How does your project / activity put resources into preventing problems occurring or getting worse?

The decrease in overall tonnage of residual waste that the Council delivers to the MREC since the waste collection changes implemented as part of the new Kier contract in April 2017, and the subsequent increase in recycling, has meant that because the current MREC contract requires a fixed price annual sum to be paid the actual cost per tonne has risen to be by far the most expensive in Wales. The new contract will therefore address and resolve this matter.

objectives)	
Integration (Considering how the public body's well-being objectives may impact upon each of the wellbeing goals, on their objectives, or on the objectives of other public bodies)	<p data-bbox="539 233 2007 304">3. How does your project / activity deliver economic, social, environmental & cultural outcomes together?</p> <p data-bbox="450 325 2007 507">The proposed new contract is intended to deliver significant financial savings to the Council but in addition seeks to continue to avoid taking residual waste to landfill providing environmental benefits. The overall anticipated savings will ensure that the Council will be better able to protect other services and provide other social and cultural benefits to our local communities that might otherwise be compromised if comparable substantial financial savings had to be found from elsewhere.</p>
Collaboration (Acting in collaboration with any other person (or different parts of the body itself) that could help the body meet its well-being objectives)	<p data-bbox="539 679 1872 751">4. How does your project / activity involve working together with partners (internal and external) to deliver well-being objectives?</p> <p data-bbox="450 772 2007 879">The Council has worked closely in collaboration with NPT Council to bring forward a new Waste Services Agreement and Contract to dispose of waste at the MREC. The proposal seeks to TUPE transfer existing staff who work at the MREC to the new provider thereby safeguarding their existing jobs.</p>
Involvement (The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves)	<p data-bbox="450 999 1962 1070">5. How does your project / activity involve stakeholders with an interest in achieving the well-being goals? How do those stakeholders reflect the diversity of the area?</p> <p data-bbox="450 1075 2007 1219">The disposal of the Council's waste has an impact on all of the County Borough's residents as waste collection and disposal is a universal service provided to all of our residents. Previous budget consultations with the general public have shown support for making savings in this area but these need to be balanced in a sensitive way against other key objectives, for example, protecting the environment.</p>

Section 2		Assess how well your project / activity will result in multiple benefits for our communities and contribute to the national well-being goals (use Appendix 1 to help you).	
Description of the Well-being goals	How will your project / activity deliver benefits to our communities under the national well-being goals?	Is there any way to maximise the benefits or minimise any negative impacts to our communities (and the contribution to the national well-being goals)?	
<p>A prosperous Wales An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.</p>	<p>The new waste contract will ensure far more cost efficient disposal of the Council's residual waste and other waste from the Community Recycling Centres. It will also ensure the waste is disposed of safely and in a way that meets all environmentally acceptable standards.</p>	<p>Indirectly the anticipated financial savings from the new waste contract will mean that other public services will be better able to be protected for the benefit of future generations.</p>	
<p>A resilient Wales A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<p>Continuing to ensure the Council's waste is disposed of in a safe way and minimising the amount of waste taken to landfill and therefore limiting issues with the natural environment and the contamination of land.</p>	<p>The contract length of a minimum of 6 years with the potential to extend up to a maximum duration of 10 years ensures that a long term affordable and sustainable solution to the Council's waste disposal is secured.</p>	
<p>A healthier Wales A society in which people's physical and mental well-being is maximised and in</p>	<p>The proposals ensure that the Council's waste is disposed of in a manner meeting all relevant environmental licensing and</p>	<p>The proposed arrangement is part of the</p>	

<p>which choices and behaviours that benefit future health are understood.</p>	<p>permitting requirements and in a manner that seeks to minimise the long term impact on the environment and on public health.</p>	<p>Councils overall strategy for the disposal and treatment of household waste materials. The arrangements seek to maximize the amount of material which is reused or recycles while minimizing waste sent to landfill. These arrangements support the wider behavioral changes that are required to improve the long term wellbeing of future generations.</p>
<p>A more equal Wales A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).</p>	<p>The collection and disposal of household waste is a universal service impacting on all of the County Borough's residents. It is important that the Council's waste contracts are efficient and effective to allow for all domestic waste to be treated appropriately. The new contract will bring the Council's waste disposal contract in line with the cost of similar services elsewhere in Wales thereby providing greater equality.</p>	<p>The net saving achieved through the new appointment will permit the Council to reallocate resources and maximize levels of services in areas which have a positive contribution inclusion at a time when austerity is forcing cuts to frontline services.</p>
<p>A Wales of cohesive communities Attractive, viable, safe and well-connected communities.</p>	<p>The proposal seeks to continue to provide the equivalent level of service as currently provided but at a much more attractive and financially sustainable price. It therefore potentially allows greater financial investment in other Council services which will help contribute to more cohesive, attractive, viable, safe and well connected communities.</p>	<p>The net saving achieved through the new appointment will permit the Council to reallocate resources and maximize levels of services in areas which have a positive contribution on street scene, the public's perception of safety and accessible transport links, while minimizing the impact that would otherwise occur in the absence of the savings being achieved.</p>
<p>A Wales of vibrant culture and thriving Welsh language A society that promotes and protects</p>	<p>A requirement shall be placed on the Contractor to comply with the Welsh</p>	<p>During the monthly operational meetings with the Contractor, they will be reminded</p>

<p>culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>	<p>Language Standards imposed on BCBC by the compliance notice served under the Welsh Language (Wales) Measure 2011.</p>	<p>of their duty to comply with the Welsh Language Standards.</p>
<p>A globally responsible Wales A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<p>Continuing to seek to increase overall levels of waste recycling while also dealing with residual waste as safely and in an environmentally friendly way as possible, has a positive impact on the economic, social, environmental and cultural well-being of Wales and on the reputation of Wales as a country with a successful, proactive and environmentally friendly approach to its treatment of waste.</p>	<p>The treatment and disposal of household domestic waste, which has been generated in wales, by a local Welsh Company, maximizes the economic benefit to Wales; the social opportunities arising from employment; and promotes a strong Welsh culture, while minimizing the impact of carbon on the environment from the haulage and transport of materials over greater distance for treatment or disposal.</p>

Section 3		Will your project / activity affect people or groups of people with protected characteristics? Explain what will be done to maximise any positive impacts or minimise any negative impacts		
Protected characteristics	Will your project / activity have any positive impacts on those with a protected characteristic?	Will your project / activity have any negative impacts on those with a protected characteristic?	Is there any way to maximise any positive impacts or minimise any negative impacts?	
Age:				
Gender reassignment:				
Marriage or civil partnership:				
Pregnancy or maternity:				
Race:				
Religion or Belief:				
Race:				
Sex:				
Welsh Language:				

There is no particular impact on any age group, disability group, gender or race as the service provided impacts equally on all residents as domestic waste collection and disposal is a universal service provided to every household in the County Borough

Section 4	Identify decision meeting for Project/activity e.g. Cabinet, Council or delegated decision taken by Executive Members and/or Chief Officers
	Cabinet
Compiling Officers Name:	Mark Shephard
Compiling Officers Job Title:	Corporate Director Communities
Date completed:	12 th June 2018

APPENDIX 2

RISK MANAGEMENT ASSESSMENT

Financial Risk

(1) No award

Based on tendered waste volumes NPT and Bridgend will not realise combined savings in the order of £1,500,000 per annum.

(2) Award

The actual savings or contract costs will be subject to a number of factors. Private sector contractors are driven by profits and will look for opportunities to increase profits, including costs associated with service changes.

This has been mitigated as far as possible, there are no guarantees regarding the volume or composition of the waste, however waste is often changing to meet increasing performance targets, changes in legislation etc. Any request to change the service might be an opportunity for the private sector contractor to increase costs.

If there is insufficient money in the Waste Services Agreement, this may put pressure on the client/contractor relationship.

Ultimately there is a risk that the contractor, or sub-contractor, could go into administration. This eventuality has been mitigated as far as possible through a provision for NPT to step-in and operate the MREC as a transfer station pending longer term arrangements being entered into.

Service Security

(1) Award

If the Waste Services Agreements fails or the contractor goes out of business, NPT will need to step-in to operate the contract. NPTRL will continue to operate if contract award/service commencement does not occur.

Unlike the current arrangements, the proposed Waste Services Agreement will be one of a number of business areas for Walters.

MREC

Award/No award

(1) Whether there is an award of a new contract or not the building and the site remain the property of NPT and ultimately all liabilities relating to it rest with NPT.

(2) No Award

Some of the plant and machinery for processing waste is now more than 15 years old and it is considered that significant investment would be required for continued operation. Much of the key plant is now either: mobile plant; substantially within its design life (drying tunnels); or has been replaced fairly recently (reception shredder and primary trommel).

(3) Award

The current planning approval and Environmental Permit provides for the plant to accept up to 260,000 tonnes of waste each year. (It currently accepts less than 100,000 tonnes per year). Hence additional waste could be delivered to the site by other customers.

The operating permit will be transferred from NPTRL to Walters.

During the term of the Waste Services Agreement NPT will be unable to develop the site in the context of its wider service needs without the permission of Walters.

There are known issues with the current capacity of the site to handle NPT 's recyclate. The limited capacity impacts on the time taken to off-load recyclate. Whilst this issue could not be fully addressed before award, due to the conditions of the procurement route, it has been mitigated by a requirement on the Contractor to meet a maximum turn-around time.

Procurement

(1) No award

This is now the fourth procurement process since the end of the original waste management PFI contract in 2000. It is possible the market may take the view that it will be a waste of their time taking part in any further procurement.

(2) Award

There may be a risk of a challenge from other contractors to the Procurement. However, the Councils have undertaken mitigation in this regard through the intention to publish a VEAT notice.

Bridgend

(1) No award

The MOU between NPT and Bridgend recognised the differences between the two councils under the current arrangements. The current relationship dates back to the Original Appointment as varied in 2010. Waste deliveries, risk and liabilities have changed since then.

Waste deliveries by BCBC have recently reduced. Under current arrangements BCBC pay a lump sum for the treatment and disposal of waste. As a result of the changes to tonnage deliveries the "equivalent" price per tonne has increased significantly.

(2) Award

The award of the Waste Services Agreement will coincide with a new appointment between the two Councils, which will reflect the current relationship. The proposal will provide BCBC with the best available arrangements based on the current circumstances and the potential for significant financial savings

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By virtue of paragraph(s) 14, 16 of Part 4 of Schedule 12A of the Local Government Act 1972.

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