

MINUTES OF A MEETING OF THE CABINET HELD IN COMMITTEE ROOMS 1/2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 18 JUNE 2019 AT 14:30

Present

Councillor HJ David – Chairperson

PJ White

HM Williams

D Patel

RE Young

Apologies for Absence

CE Smith

Officers:

Kelly Watson	Head of Legal & Regulatory Services
Julie Ellams	Democratic Services Officer - Committees
Mark Shephard	Chief Executive
Susan Cooper	Corporate Director - Social Services & Wellbeing
Deborah Exton	Interim Deputy Head of Finance
Lindsay Harvey	Corporate Director Education and Family Support
Martin Morgans	Head of Performance and Partnership Services
Zak Shell	Head of Neighbourhood Services

372. DECLARATIONS OF INTEREST

None

373. APPROVAL OF MINUTES

RESOLVED That the Minutes of a meeting of Cabinet dated 21 May 2019 be approved as a true and accurate record.

374. FINANCIAL PERFORMANCE 2018-19

The Interim Deputy Head of Finance presented a report providing Cabinet with an update on the Council's financial performance for the year ended 31st March 2019. She referred to the council's net revenue budget and final outturn for 2018-19 (Table 1 in the report) and explained that the overall outturn at 31st March 2019 was an underspend of £429,000 which had been transferred to the Council Fund, bringing the total Fund balance to £8.776 million in line with the principles set out in the Medium Term Financial Strategy (MTFS). Directorate budgets provided a net underspend of £1.142 million, after draw down from reserves of £7.7 million, and Council Wide budgets a net underspend of £6.711 million, after draw down from reserves of £2.3 million. These were offset by the requirement to provide new earmarked reserves for a range of new future risks and expenditure commitments. The net position also took into account accrued council tax income of £670,000 during the financial year.

The Interim Deputy Head of Finance reported that the Council had received a number of one-off grants from Welsh Government, including grants for schools totalling almost £1 million, which had eased the pressure on these budgets for 2018-19 only. This was in addition to any other opportunities taken to maximise existing grant funding streams. Without these the net underspend on Directorate and Council Wide budgets would have been much lower.

The Interim Deputy Head of Finance provided an update on prior year budget reductions and referred members to Appendix 1, and table 2 which provided a summary per directorate. Of the £2.604 million of prior year budget proposals outstanding, £1.593

million had been realised, leaving a balance of £1.011 million. She outlined the position with Budget Reductions for 2018-19 and the action required to achieve them in 2019-20.

The report provided a commentary on the financial position for each main service area and comments on the most significant variances. It also included budgets, provisions and services which were Council Wide and not managed by an individual Directorate.

The Interim Deputy Head of Finance provided an update on the Council's capital programme for 2018-19 currently totalling £35.474 million, of which £31.933 million was met from BCBC resources, including capital receipts and revenue contributions from earmarked reserves, with the remaining £4.224 million coming from external resources. She then updated Members on the earmarked reserves and explained that the final draw down from reserves was £9.996 million as detailed in table 5 of the report.

The Deputy Leader thanked the Interim Deputy Head of Finance for presenting the report and thanked the Finance Team for keeping the authority safe and secure. It was good to show a surplus in light of the challenges and pressures and the "one-offs" could not be relied on going forward. The authority still needed to make significant savings.

The Leader agreed that the authority was facing a bleak financial future. Initial work had been undertaken in terms of planning and it was apparent that they would not be able to balance the books without making significant savings, increasing Council Tax by a higher level than in previous years and losing posts and people from the organisation on a scale not seen before. He was certain austerity would not end any time soon and it was becoming more and more difficult to make the cuts.

RESOLVED: Cabinet noted the actual revenue and capital outturn position for 2018-19.

375. PUBLIC SPACE PROTECTION ORDERS

The Head of Operations – Community Services presented a joint report with the Chief Executive, asking Cabinet to note the results of the consultations on the creation of Public Space Protection Orders, noting that the grounds had been met and creating 4 new PSPO's.

He explained that a Local Authority could make a PSPO if it was satisfied on reasonable grounds that it was likely that activities would be carried on in a public place within that area and that they would have a detrimental effect on the quality of life of those in the locality which was likely to be of a persistent or continuing nature such as to make the activities unreasonable and justified the restrictions imposed by the notice. He added that PSPOs were designed to ensure the law-abiding majority could use and enjoy public spaces, safe from anti-social behaviour. Breach of a PSPO was a criminal offence and enforcement officers could issue a fixed penalty notice of up to £100 or following a conviction, a fine of up to £1000.

The Head of Operations – Community Services outlined the 5 Designated Public Places Orders and the 2 Gating Orders already in place. In October 2017 the DPPOs and Gating Orders migrated under the 2014 Act to become PSPOs. A report was submitted to Cabinet on 24th June 2017 seeking approval to consult on the new PSPOs and to consider whether any other PSPOs could be made. The first twelve week consultation ended in November 2017. He outlined the consultation process and a summary of the responses received. It was then agreed to delay a report to Cabinet for a further consultation on dog fouling to be undertaken. This concluded in February 2019 and

details of the consultation process were included in the report, including the response from the Kennel Club.

The Head of Operations – Community Services outlined the financial implications for implementing the four orders and added that a request would be sent to partners asking for a financial contribution to the costs.

The Cabinet member for Communities explained that as reported to Cabinet in April, this was the second part of the process which addressed dog fouling issues. He added that the orders applied to all areas where the public had access. He referred to point 4.35a and was pleased to note that one of the conditions related to moving and depositing the dog faeces in a bag or other suitable means for collection which should then be left in a litter bin or an allocated bin or taken home. This should address the issue of bags left in bushes or hanging from trees.

The Cabinet Member for Social Services and Early Help asked if the authority had sufficient bins within the designated areas. The Head of Operations – Community Services replied that there was a good selection of bins within the borough and many of them were dual use. If a resident found themselves in an area where there were no immediate bins then they would be expected to take the bag home. This was an issue with public behaviour rather than accessibility.

The Cabinet Member for Wellbeing and Future Generations referred to point 3.3 of the report relating to activities being carried out in a public place that were likely to be detrimental to the local community's quality of life, and asked if data from the Police was used to support the introductions of a PSPO. She was pleased to see that there had been consultation with the RSPCA and the wider audience rather than just residents. The Head of Operations – Community Services explained that the police were part of the consultation and they provided historical evidence for these areas which added to the justification. He added that the RSPCA and the Kennel Club were watching consultations outcomes around the country particularly in relation to a complete ban on sports pitches. The kennel Club were arguing against a complete ban on sports pitches and apart from that were broadly aligned to what the authority wanted.

The Cabinet Member for Communities asked the Head of Operations – Community Services to clarify the areas covered by the PSPO relating to Dog Fouling. He explained that it did not apply to areas such as back gardens or privately owned land but officers could take action on public open space.

The Leader welcomed the report and the proposals. He said that it was important to make the public aware that they could be fined if they failed to clean up after their dogs and they were trying to help dog owners by installing more than 17 stations where they could access bags and over 100 bins across the borough, particularly in Porthcawl. It was also important to warn residents that some people were impersonating enforcement officers and that they should check identity badges and that enforcement officers would never ask for money up front.

RESOLVED: Cabinet:

- i. noted the results of the consultations on the creation of four Public Space Protection Orders (PSPOs);
- ii. noted that the grounds, as set out in paragraph 3.3 of the report, were met; and,

in light of the outcome of the consultation and the grounds being met, agreed to create 4 new PSPOs as set out in paragraph 4.10 and 4.35 of the report and at Appendix 1 (Prohibit Alcohol & Installation of gates) and Appendix 7 (Dog Controls) of the report.

376. SECTION 123 (2A) LOCAL GOVERNMENT ACT 1972 : DISPOSAL OF LAND AT THE GREEN / SALT LAKE CAR PARK, PORTHCRAWL

The Head of Operations – Community Services presented a report asking Cabinet to decide whether or not the above Council owned land, which was classed as public open space, should be made available for disposal. He provided a background to the work undertaken to bring forward the comprehensive redevelopment of the site. He outlined the objections to the proposals raised by individuals and local organisations and the response to those objections and the reasons why it would be appropriate to grant approval to the application to dispose of the site.

The Deputy leader thanked the officer for presenting the report and explained that this was an enabling report which allowed the authority to move forward and develop the land in line with the Design Commission, Development Control Committee and Members.

The Head of Operations – Community Services agreed and said that he thought there was an element of confusion and he confirmed the area covered. The Deputy Leader said that he had read the objections and there did appear to be some confusion. He added that he was happy the report did not commit the authority at this stage and supported the recommendation.

The Cabinet Member for Communities confirmed that the Council had not yet marketed the sale of this site and that the marketing pack would provide details on the likely acceptable planning uses, the basis on which the Council was prepared to dispose of the land and any legal conditions and requirements. He stated that this would provide protection that any development would be in line with the Masterplan.

The Cabinet Member for Wellbeing and Future Generations asked if local members had been consulted on the proposals. The Head of Operations – Community Services replied that they had been consulted and he had regular meetings with the local members.

The Leader confirmed that no decision had been made to dispose of the site. If they decided to go ahead it could be freehold or lease hold and this would be included in the heads of terms. Planning consent would also be required and the Development Control Committee would impose conditions in terms of the size of the site etc to safeguard the development.

The Head of Operations – Community Services confirmed that they would continue to engage with local members.

RESOLVED: That Cabinet, having considered the report and the objections received in response to the Notices published in accordance with Section 123(2A) of the Local Government Act 1972, authorised the disposal of land at The Green and Salt Lake car park, Porthcawl.

377. WELSH GOVERNMENT COMMUNITY COHESION GRANT REGIONAL PARTNERSHIP

The Chief Executive presented a report updating Cabinet on a regional application for funding to Welsh Government in relation to EU Brexit Community Cohesion and seeking Cabinet approval to enter into a partnership agreement with the Council of the City and County of Swansea (Swansea Council) and Neath Port Talbot County Borough Council (NPTCBC) in relation to the grant funding. He outlined the background to the proposal, the current position and the range of activities that would be delivered to understand and

mitigate community tensions. He also explained the implications of the five ways of working in relation to the Well-being of Future Generations (Wales) Act 2015. The costs would be funded in full from the Welsh Government Community Cohesion Grant.

The Cabinet member for Wellbeing and Future Generations welcomed the report and asked if the monitoring mechanisms behind the proposals were known. She added that if they had not yet been established, it would be helpful for a report detailing these and progress made, to be submitted to the Cabinet Committee Equalities every six months.

The Cabinet Member for Social Services and Early Help asked what would be in place post 2020. The Head of Partnerships and Performance reported that if the infrastructure was not in place they would have to dovetail until it was. This was about community cohesion and not just Brexit and they would continue to report to the Cabinet Committee Equalities.

The Cabinet Member for Communities added that the whole debate had brought out elements which he wished, had been left buried. There had been reports to the Community Safety Partnership regarding tensions in the community. The country was so polarised and the tensions were always there. No matter what happened, 50% of the population would be bitterly disappointed and this was a necessary report that he welcomed.

RESOLVED:

Cabinet:

- Noted the approval of Welsh Government regional funding in relation to the Community Cohesion Grant 2019 – 2020; and
- Delegated authority to the Chief Executive, in consultation with the Section 151 Officer and Head of Legal and Regulatory Services, to negotiate and enter into a partnership agreement in relation to the Community Cohesion Grant funding with Swansea Council and NPTCBC and any ancillary documents relating to that partnership arrangement.
- Agreed that a report to be submitted to the Cabinet Committee Equalities every six months updating that Committee on progress and in particular, the monitoring mechanisms in place.

378. TARGETED REGENERATION INVESTMENT (TRI) PROGRAMME IMPLEMENTATION

The Head of Operations - Communities presented a report seeking approval from Cabinet on the proposals for the Targeted Regeneration Investment (TRI) programme relating to the Urban Centre Property Enhancement Fund (UCPEF) & Urban Centre Living Grant (UCLG), 11a Nolton Street and future TRI Stand Alone Projects. He outlined the background to the programme, the process and the current situation in relation to the three projects, the risks and issues, the next steps and the financial implications.

The Cabinet Member for Communities added that this source of funding had been a success. These sites were a blot on the landscape and this work would bring them into beneficial use for the foreseeable future. There were risks but with appropriate management and the right collaboration, this would be a success.

The Leader reported that the CHG had been commended on the work they were doing. The sites had been empty for a long period of time and this would provide an opportunity to start a new life in a new home. It would also allow the authority to progress other schemes not only in Bridgend but also Porthcawl and Maesteg to bring empty properties back into use.

RESOLVED: Cabinet:

- Approved the outline proposals for TRI in Bridgend town centre, as set out in the report;
- Noted and accepted the risks and issues highlighted in paragraph 4.5;
- Authorised the Chief Finance Officer to accept the TRI grant on behalf of the Authority.
- Delegated authority to the Head of Operations / Communities, in consultation with the Section 151 Officer and Head of Legal and Regulatory Services, to negotiate and enter into a service level agreement with Rhondda Cynon Taff as set out in paragraph 4.2 of the report;
- Delegated authority to the Head of Operations / Communities, to award the TRI UCPEF and UCLG grant funds to eligible applicants within Bridgend town centre;

Delegated authority to the Head of Operations / Communities, in consultation with the Section 151 Officer and Head of Legal and Regulatory Services, to negotiate and enter into a funding agreement and legal charge with CHG.

379. COMMISSIONING AND AWARD OF CONTRACTS IN RESPECT OF THE FAMILIES FIRST PROGRAMME

The Head of Performance and Partnership Services presented a report seeking approval to continue service delivery based around contract arrangements already in place for the delivery of Welsh Government funded contract arrangements for Families First for the period to end March 2020. On the basis that approval was granted, he was seeking to suspend the Council's Contract Procedure Rules (CPR's) and authorise the Head of Performance and Partnership Services to enter into short term contracts as detailed in the report. He outlined the background to the Families First Contracts, the current position, the outcome of the Equality Impact Assessment and the financial implications.

The Cabinet Member for Wellbeing and Future Generations said that this was frustrating for staff and she would welcome some long term control.

The Leader added that a lot of this had been beyond the authority's control.

The Cabinet Member for Social Services and Early Help seconded this and asked for more information on the exposure to challenge and how they would be monitoring performance and outcomes. The Head of Performance and Partnership Services explained that this had been identified by the CPA and WG. They would be delivering against a single outcomes framework.

The Chief Executive reassured Cabinet and said that ordinarily they would comply but there were occasions when they had to come to Cabinet to waive or suspend Contract Procedure Rules but they would try to minimise this.

The Leader added that the monitoring officer carefully monitored the process and that it was unusual to have many of these reports apart from where there were exceptional circumstances to be taken into account.

RESOLVED: Cabinet :

- Agreed to suspend the relevant parts of the Council's CPR's in respect of the requirement as to re-tendering of the proposed contracts listed in Appendix 1 of this report, allowing implementation of the re-tender milestones detailed in Appendix 2.
- Authorised the Head of Performance and Partnership Services to enter into short term contracts to end March 2020, with the current providers in respect of the Contracts listed in Appendix 1 of the report.

380. SUSPENSION OF CONTRACT PROCEDURE RULES FOR HOME-TO-SCHOOL BUS SERVICE CONTRACTS

The Corporate Director Education and Family Support presented a report seeking Cabinet approval to suspend the relevant parts of the Council's Contract Procedure Rules in respect of the requirement to re-tender the proposed contracts listed in the report and to authorise the Corporate Director (Education and Family Support) to enter into the contracts with the operators listed in the report. He outlined the background, the current position and that the Council would be exposed to the risk of potential challenge from other providers of such services. He also reported the financial implications and that potential savings to the learner transport budget from September 2019 would still be deliverable from September 2020.

The Cabinet Member Communities explained that this was a holding report because they were going through a review of the service and could not pre-empt the outcome. The Council could be open to challenge but in the interest of clarity, it could be justified and this was a sensible way forward.

The Deputy Leader added that this was a sensible course of action pending the review. Given the financial position it was only fair to undertake the review before the contracts were awarded and on that basis he was happy to support the proposals.

The Leader agreed that it would be irresponsible to go out to tender then try to change those contracts until it was clear what changes were required because of the financial pressures the authority was facing.

RESOLVED: Cabinet :

- Agreed to suspend the relevant parts of the Council's Contract Procedure Rules in respect of the requirement to re-tender the contracts listed at Appendix 1 of this report for home-to-school bus services; and
- Authorised the Corporate Director (Education and Family Support) to enter into the contracts with the operators listed at Appendix 1 of this report from 2 September 2019 until 20 July 2020.

381. APPOINTMENT OF LOCAL AUTHORITY GOVERNORS

The Corporate Director Education and Family Support presented a report seeking approval from Cabinet for the appointment of local authority governors to the school governing bodies listed in the report.

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The Corporate Director Education and Family Support explained the background and that for the 14 schools in the table, all 17 applicants met the approved criteria for appointment as a local authority governor. He reported that the application from Mr William Bond for Heronsbridge School had been withdrawn and therefore Mrs Marjorie Nash would be appointed.

The Leader reported that there were still 20 vacancies that needed to be filled throughout the borough and that they were still looking for recruits.

RESOLVED: Cabinet approved the appointments listed at paragraph 4.1 of the report and that Mrs Marjorie Nash be appointed to Heronsbridge School (following the late withdrawal of Mr William Bond, reported at the meeting by the Corporate Director, Education and Family Support).

382. URGENT ITEMS

None

The meeting closed at 16:10