

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



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

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

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



#### Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Thursday, 13 June 2019

Dear Councillor,

#### **COUNCIL**

A meeting of the Council will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Wednesday, 19 June 2019 at 15:00.**

#### **AGENDA**

1. Apologies for absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest from Members/Officers in accordance with the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 5 - 24  
To receive for approval the minutes of 17/04/19, 01/05/19 and 15/05/19
4. To receive announcements from:  
(i) Mayor (or person presiding)  
(ii) Members of the Cabinet  
(iii) Chief Executive  
(iv) Monitoring Officer
5. To receive the report of the Leader
6. To receive the following Questions from:  
**Councillor T Thomas to the Cabinet Member – Wellbeing and Future Generations**  
Will the Cabinet Member outline the key recommendations on the recent HM Inspectorate of Probation report on youth justice services in Western Bay?

#### **Councillor R Stirman to the Cabinet Member – Social Services and Early Help**

Could the relevant Cabinet member please advise the extra cost to BCBC of supplying care and support to members of the secure estate since the grant from WG was shared across all 22 Local Authorities rather than by direct grant to those LA's who had a prison within their boundaries?

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### **Councillor A Hussain to the Deputy Leader**

To what extent has the Deputy Leader engaged with businesses in Bridgend County Borough to tell them that Discretionary Rate Relief may be available to them, as only a third of those eligible for this relief are getting it?

### **Councillor M Voisey to the Deputy Leader**

Would the Deputy Leader please advise Council, of what sanctions if any, have been imposed on Kier, in regards the waste contract, since appointment?

7. Estyn Inspection of Bridgend County Borough Council's Local Government Education Services 25 - 30
8. Review of Political Balance - Changes to Committee Membership 31 - 36
9. Information Report for Noting 37 - 60
10. Urgent Items  
To consider any item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.
11. Exclusion of the Public  
The Minutes relating to the following item are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.
- If following the application of the public interest test the Committee resolves pursuant to the Act to consider this item in private, the public will be excluded from the meeting during such consideration.
12. Approval of Exempt Minutes 61 - 64  
To receive for approval the exempt minutes of 17/04/19 a 01/05/19

Yours faithfully

**K Watson**

Head of Legal and Regulatory Services

#### Councillors:

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

#### Councillors

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

#### Councillors

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

T Giffard  
RM Granville  
CA Green  
DG Howells

B Sedgebeer  
RMI Shaw  
CE Smith  
SG Smith

AJ Williams  
HM Williams  
JE Williams  
RE Young

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COUNCIL - WEDNESDAY, 17 APRIL 2019

MINUTES OF A MEETING OF THE COUNCIL HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON WEDNESDAY, 17 APRIL 2019 AT 15:00

## Present

Councillor JR McCarthy – Chairperson

|                   |            |              |                  |
|-------------------|------------|--------------|------------------|
| S Aspey           | SE Baldwin | TH Beedle    | JPD Blundell     |
| NA Burnett        | MC Clarke  | N Clarke     | RJ Collins       |
| HJ David          | P Davies   | PA Davies    | DK Edwards       |
| J Gebbie          | T Giffard  | RM Granville | CA Green         |
| DG Howells        | RM James   | B Jones      | M Jones          |
| MJ Kearns         | DRW Lewis  | DG Owen      | D Patel          |
| RL Penhale-Thomas | AA Pucella | JC Radcliffe | KL Rowlands      |
| RMI Shaw          | CE Smith   | SG Smith     | JC Spanswick     |
| RME Stirman       | G Thomas   | T Thomas     | JH Tildesley MBE |
| LM Walters        | KJ Watts   | CA Webster   | DBF White        |
| PJ White          | A Williams | AJ Williams  | HM Williams      |
| JE Williams       | RE Young   |              |                  |

## Apologies for Absence

SK Dendy, A Hussain, JE Lewis, B Sedgebeer, E Venables, SR Vidal and MC Voisey

## Officers:

|                |  |
|----------------|--|
| Susan Cooper   | Corporate Director - Social Services & Wellbeing |
| Lindsay Harvey | Corporate Director Education and Family Support  |
| Gill Lewis     | Interim Head of Finance and Section 151 Officer  |
| Andrew Rees    | Democratic Services Manager                      |
| Mark Shephard  | Chief Executive                                  |
| Kevin Stephens | Democratic Services Assistant                    |
| Kelly Watson   | Head of Legal & Regulatory Services              |

## 298. FORMER COUNCILLOR LC MORGAN

The Mayor announced with sadness the passing of former Councillor and Cabinet Member LC Morgan, all stood in silence as a mark of respect.

The Leader paid tribute to former Councillor Morgan whom he regarded as a friend as well as a colleague. He also paid tribute to his lengthy service to the community of Ynysawdre which he represented for 30 years, sitting on the former Mid Glamorgan County Council. He stated that his lasting legacy was the part he had played in Coleg Cymunedol y Dderwen, Ynysawdre swimming pool, the new Brynmenyn primary School and latterly Ty Ynysawdre coming to fruition. The Cabinet Communities was saddened at the passing of former Cllr Morgan who served this authority as one of its founder Members and former County Council with distinction and whom he regarded as a confidant.

The Cabinet Member Education and Regeneration paid tribute to former Councillor Morgan who made him feel welcome as a Cabinet Member and both shared a passion for adult social care services and travelling in Spain. The Cabinet Member Social Services and Early Help in paying tribute to former Councillor Morgan stated that he had learnt a great deal from him and both had worked in the mining industry. Former

Councillor Morgan working in mines rescue and health and safety. He stated that he would be sorely missed and his thoughts were with his family.

Councillor Watts in paying tribute to former Councillor Morgan stated that despite their political differences they had become friends and would be sorely missed. Councillor T Thomas paid tribute to former Councillor Morgan who was warmly regarded by the community of Ynysawdre which he represented. Councillor Green stated that she was deeply saddened at the news of former Councillor Morgan's passing and had all good memories of him.

299. DECLARATIONS OF INTEREST

The following Declaration of Interest was made:

Councillor DBF White declared a Prejudicial Interest in Agenda item 11 – Redundancy and Early Retirement Costs in Excess of £100,000 as the employee is his wife's line manager. Councillor White withdrew from the meeting during consideration of this item.

300. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Council of 20 March 2019 be approved as a true and accurate record.

301. TO RECEIVE ANNOUNCEMENTS FROM:

Mayor

The Mayor informed Council of the engagements which he and his Consort had attended in the past month which included the Citizenship Awards for which he thanked officers for their efforts in making the day a success. The Mayor and Consort had opened the new Pencoed Primary School and attended the opening of Ysgol Gynradd Gymraeg Calon y Cymoedd in Bettws. Additionally, the Mayor and Consort had attended the Rockwool 40<sup>th</sup> Celebration dinner, the Muslim Council of Wales interfaith Dinner, opening of the Vernon Hartshorn Exhibition, Rotary Club President Dinner, BEM Presentation to Alan Humphreys and the Cor Merched Llynfi's annual Concert. He also opened the new disabled toilet and changing area at Halo Bridgend, the prize giving of the Bridgend Rotary Club Charity Cycle ride, the Porthcawl Mayor's charity ball, the Palm Sunday service at Margam Crematorium and the 60<sup>th</sup> Wedding anniversary Mr & Mrs G Evans of Maesteg.

Deputy Leader

The Deputy Leader informed Members of the recent opening of two new primary schools at Pencoed Primary and Ysgol Gynradd Gymraeg Calon Y Cymoedd, Bettws serving the Garw and Ogmere valleys, at which his 3 grandchildren are pupils. He stated that the Council is extremely grateful for the funding received from the Welsh Government's 21st Century Schools and Education Programme, and he commended BAM Construction for their work at Pencoed Primary and Andrew Scott Ltd, who were the constructors for Ysgol Gynradd Gymraeg Calon Y Cymoedd, who had delivered two extremely impressive schools which enable pupils and teachers to benefit from state-of-the-art learning environments and supporting pupils to excel and fulfil their potential.

The Deputy Leader announced that more than 80 up-and-coming local entrepreneurs have gained the knowledge and tools needed to start their own business after attending a free week-long course with the PopUp Business School. The event was held at Bridgend Life Centre, supported by the Council's Employability Bridgend team, funded

through the European Social Fund and Welsh Government. Local entrepreneurs will continue to be supported and details are available on the Council's website.

#### Cabinet Member Communities

The Cabinet Member Communities announced that the Council will be participating in the Welsh Government's latest domestic energy efficiency programme which is being created to tackle fuel poverty across Wales. Hundreds of local homes will be eligible to receive new funding later this year to carry out energy efficiency improvements, aimed at reducing fuel bills. Energy saving measures that could be funded through the programme include; draught proofing, low energy light bulbs, loft insulation, cavity wall insulation, external wall insulation, thermostatic radiator valves, central heating systems, radiators, and renewable technologies such as heat pumps and solar panels. He stated that the Council will be working in partnership with Arbed am Byth and the Welsh Government to decide where the programme will be offered locally to maximise its impact.

The Cabinet Member Communities also informed Council of the recent launch of the "Love It Don't Trash IT" campaign which had been attended by participating schools.

#### Cabinet Member Social Care and Early Help

The Cabinet Member Social Services and Early Help announced that the first ever inter-generational mini-OlympAge Games event was held at Halo's Ogmere Valley Life Centre recently. Children and older people from the local community teamed up to compete in activities designed to improve mobility, fitness and social interaction, and offered a fun way of encouraging people of all ages to stay active. He looked forward to seeing more mini-OlympAge Games taking place in the future.

He also informed Members that responsibility for health care services in Bridgend County Borough has now moved from ABMU Health Board to the Cwm Taf Morgannwg Health Board. He asked Members may wish to remind constituents that the boundary change would not affect how services are delivered to patients, who will continue to access and receive their care in the same way and from the same locations as they currently do. He stated that the boundary change will see more of collaborations shift to the east and the Cardiff Capital Region, and while there has been a significant amount of work behind the scenes, a seamless transition has been achieved, thanks to the efforts of officers and particularly the Corporate Director Social Services and Wellbeing.

#### Cabinet Member Wellbeing and Future Generations

The Cabinet Member Wellbeing and Future Generations announced that discussions are underway between the Council, Shared Regulatory Service and Natural Resources Wales on a project to monitor air quality in the vicinity of local schools. The monitoring project will take place over the course of a year and will examine and record levels of nitrogen dioxide, which is a known traffic-derived pollutant, with monitoring equipment being installed at Pencoed Comprehensive, Penybont Primary, Bridgend College, Oldcastle Primary, Cwmfelin Primary, Newton Primary and Bryncethin Primary. Information will be analysed and used to support efforts to change the ways in which children get to and from school, and to raise greater awareness about air quality concerns. The collected data will be included in the Council's local air quality management progress report for 2020. If levels are found that encroach upon or exceed air quality objectives, further action may be required to introduce management areas and draw up strategic measures that will alleviate problems and improve air quality.

The Cabinet Member Wellbeing and Future Generations informed Council that working parents in the County Borough will soon be able to access up to 30 hours of funded childcare for up to 48 weeks of the year for their three and four-year-olds. The scheme will commence on 29 April and will help reduce the strain of childcare issues on working parents, and ensure childcare is not a barrier to people who are looking to return to work. Further details are available on the Council's website.

#### Cabinet Member Education and Regeneration

The Cabinet Member Education and Regeneration announced that following support from the Council's Dunes 2 Dunes project, Royal Porthcawl has become the first golf club in Wales to obtain the GEO-Certification sustainability award. The scheme has brought together organisations, landowners and farmers in a partnership which seeks to sustainably manage the local coastline. He stated that degenerate gorse has been removed from Royal Porthcawl to reinstate open sandy areas and encourage coastal heather regeneration, ponds have been improved, and habitats have been both created and restored for species like the Great Crested Newt and birds such as linnets, kestrels and yellow hammers. He hoped Members will welcome these efforts which demonstrate a clear commitment towards nature, sustainability, coastal grassland protection and habitat restoration.

He also announced that new funding has been secured to help businesses in Bridgend town centre look more appealing to shoppers and visitors. The Urban Centre Property Enhancement Fund has been established by the Council and Welsh Government to provide financial support towards renovation work on shopfronts, signage, windows and doors, and also internal and external structural improvements. As well as making the town centre more vibrant, the fund aims to help vacant non-residential properties become more appealing for letting, support existing businesses to become more accessible, increase footfall, and create jobs. The commercial improvement scheme will tie in with the county-wide plans to bring empty properties back into use, following on from the success of the Townscape Heritage Initiative which has been making a big impact in town centres for more than a decade. Further details on the scheme are available from the Council's regeneration team.

#### Interim Chief Executive

The Interim Chief Executive informed Council that he had been reviewing some waste and recycling information recently and gave an overview of how the County Borough has changed and developed since the millennium. In 2000 when the country-wide recycling rate stood at just 6% of all household waste, the Welsh Government set an initial target of 15% by 2004. He stated that the County Borough hit this target on time and also opened new household waste recycling centres. This was ahead of the introduction of a kerbside recycling service for paper and glass waste in 2005.

By 2006, the recycling rate had risen to 26%, after factoring in food, plastics and cans and the introduction of fortnightly refuse collections, it rose again to achieve 48% by 2011. Garden waste recycling was introduced in 2013, and in 2016 the overall recycling rate stood at 59%. This was prior to the Council entering into its current arrangements with new containers, a two-bag limit and fortnightly nappy collections.

He informed Members that by this time next year, all Welsh local authorities will need to hit a new recycling target of 64% to avoid heavy financial penalties as part of the Welsh Government's efforts to make Wales the top recycling nation in the world. He was delighted to confirm that Bridgend County Borough is well on track to surpass the Welsh Government's 64% recycling target for 2020. With the current overall recycling rate of 68.6%, which means that the Council is placed second in Wales for recycling and are

only narrowly behind the Isle of Anglesey. He informed Members that getting to this point had not been an easy task, in that attitudes as well as procedures have had to change and adapt, and this success is ultimately down to the recycling efforts of local residents. He stated that the process is not over yet and further improvements are being looked at in order to reach the next Welsh Government target of 70% by 2025. He reminded Members that the County Borough has progressed from 15% in the year 2000 to 68.6% in 2019.

Monitoring Officer

The Monitoring Officer informed Council that some Members had yet to complete DBS checks and a reminder would be sent to Members requesting that they complete the checks.

302. TO RECEIVE THE REPORT OF THE LEADER

The Leader informed Council that the recruitment process for a permanent Chief Executive is continuing, which is being supported by Solace in Business. The closing date for applications was 8 April, with the Appointments Committee meeting tomorrow to undertake the long-listing of applications received. Selected candidates will attend an assessment centre on 30 April followed by interview with the Appointments Committee and a presentation to the Extraordinary meeting of Council on 1 May.

The Leader reported that the first of two brand new Extra Care facilities opened last week. He stated that Ty Ynysawdre is fast becoming a valuable community asset, and represents an entirely new approach towards looking after people who are older and more vulnerable. Together with its sister development in Maesteg, Ty Ynysawdre will offer huge benefits for local people, and forms a major part of ongoing plans for modernising residential care services. He stated that the Council is working in partnership with Linc Cymru to provide these vital community assets which would become a widely-recognised and popular landmark development in the County Borough. He thanked all who had helped make this facility a reality.

The Leader also informed Council that Brexit preparations are continuing, and as part of this support will be made available to help non-UK EU nationals who wish to continue to live and work locally. The Home Office had recently launched its EU Settlement Scheme and as part of this process, officers are investigating whether the Council can offer a 'checking' service for completed applications to ensure that all relevant identity documentation has been included. The service is likely to be made available either through the Customer Services Centre or at Bridgend Register Office, and is designed to speed up the application process and offer reassurance and peace of mind to local residents who may be affected. The service will be free to use and Members will receive further details about this initiative as it takes shape and more details become known.

303. UPDATED FINANCIAL SCHEME FOR SCHOOLS

The Interim Head of Finance sought approval of the revised Financial Scheme for Schools, particularly the updated financial limits for the standing orders for contracts for schools.

The Interim Head of Finance reported that schools have their own Financial Scheme which sets out the financial requirements of governing bodies. A review of the Scheme has taken place due to a number of process and procedural changes required, the main changes being summarised in the report. The draft Scheme has been the subject of consultation, with no comments or amendments proposed by governing bodies. She stated that the revised Scheme brings the limits within the standing orders for contracts

for schools to the same level as those agreed for the Council within its Contract Procedure Rules and where appropriate, schools are advised to seek the support of the Corporate Procurement section.

In a response to a question as to whether governing bodies would be receive training on the revised Scheme, the Interim Head of Finance confirmed such training would take place.

**RESOLVED:** That Council approved the revised Financial Scheme for Schools for immediate implementation.

304. **TO RECEIVE THE FOLLOWING QUESTION FROM COUNCILLOR A HUSSAIN TO THE CABINET MEMBER COMMUNITIES**

Our current tipping policy is outdated and does not meet the needs of our residents in Borough. Looking around, other neighbouring Authorities have changed their tipping policy with success and are saving tax payers money.  
When are we revising this policy?

**Response by the Cabinet Member Communities**

The current permit policy for vans and large trailers was reviewed prior to letting the waste contract in April 2017.

An appropriate efficient system of control and monitoring of the usage of commercial vehicles, at the recycling centres is essential to ensure the sites are used by genuine residential users only. Ensuring the sites are not subject to abuse by trade/commercial enterprises endeavouring to dispose of their waste for free at the expense of the public.

The current system allows genuine residential users with commercial type vehicles to utilise the sites (Not including Brynmenyn due to physical site capacity restraints) via a permit system as long as they book the visit to the site 24 hrs in advance.

Similar permit systems of control exist with neighbouring authorities such as NPT, Swansea & Vale of Glamorgan (VoG charge £15 for the permit). RCT do not operate a permit system but have an onerous challenging process whereby users have to bring a utility bill, letter from the vehicle company on headed paper stating the user is allowed to use the vehicle for personal use, or a hire agreement, full description of the waste and proof that the waste is not commercial.

Prior to the implementation of the current system of control in 2010 the BCBC amenity sites were the subject of significant trade waste abuse, the controls in place currently are vital and successful. With these having been reviewed recently and now being part of the contractual arrangement with Kier, it is not proposed that they are revisited until the next waste contract is procured.

Councillor T Giffard asked a supplementary question as to where residents could receive information on the tipping policy.

The Cabinet Member Communities stated that residents can gain information from the Council's website, together with details of opening hours and how residents can access permits for trailers and trailer sizes.

305. **URGENT ITEMS**

There were no urgent items.

306. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contained exempt information as defined in Paragraph 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above, to consider the under-mentioned items in private with the public being excluded from the meeting as it would involve the disclosure of exempt information as stated above.

307. APPROVAL OF EXEMPT MINUTES

308. REDUNDANCY AND EARLY RETIREMENT COSTS IN EXCESS OF £100,000

The meeting closed at 15:47

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**MINUTES OF A MEETING OF THE COUNCIL HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON WEDNESDAY, 1 MAY 2019 AT 15:00**

Present

Councillor JR McCarthy – Chairperson

|            |                   |              |             |
|------------|-------------------|--------------|-------------|
| SE Baldwin | TH Beedle         | JPD Blundell | NA Burnett  |
| MC Clarke  | N Clarke          | RJ Collins   | HJ David    |
| P Davies   | PA Davies         | DK Edwards   | J Gebbie    |
| T Giffard  | RM Granville      | CA Green     | DG Howells  |
| A Hussain  | RM James          | B Jones      | M Jones     |
| MJ Kearns  | DRW Lewis         | JE Lewis     | DG Owen     |
| D Patel    | RL Penhale-Thomas | AA Pucella   | KL Rowlands |
| RMI Shaw   | SG Smith          | JC Spanswick | RME Stirman |
| G Thomas   | T Thomas          | MC Voisey    | LM Walters  |
| KJ Watts   | CA Webster        | DBF White    | PJ White    |
| A Williams | AJ Williams       | HM Williams  | JE Williams |
| RE Young   |                   |              |             |

Apologies for Absence

JC Radcliffe, CE Smith, E Venables and SR Vidal

Officers:

|                |                                     |
|----------------|-------------------------------------|
| Debra Beeke    | HR & OD Manager                     |
| Andrew Rees    | Democratic Services Manager         |
| Kevin Stephens | Democratic Services Assistant       |
| Kelly Watson   | Head of Legal & Regulatory Services |

309. DECLARATIONS OF INTEREST

None.

310. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contained exempt information as defined in Paragraph 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above, to consider the under-mentioned items in private with the public being excluded from the meeting as it would involve the disclosure of exempt information as stated above.

**COUNCIL - WEDNESDAY, 1 MAY 2019**

311. APPOINTMENT OF CHIEF EXECUTIVE

312. APPOINTMENT OF CHIEF EXECUTIVE

RESOLVED: That Council re-admit the press and public and following which, Mark Shephard be appointed to the position of Chief Executive.

Mark Shephard then returned to the meeting of Council and was formally offered the post of Chief Executive by the Leader of the Council, which he accepted.

The meeting closed at 16:12

**MINUTES OF A MEETING OF THE COUNCIL HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON WEDNESDAY, 15 MAY 2019 AT 15:00**

Present

Councillor JR McCarthy – Chairperson

|             |                   |              |              |
|-------------|-------------------|--------------|--------------|
| SE Baldwin  | TH Beedle         | JPD Blundell | NA Burnett   |
| MC Clarke   | N Clarke          | RJ Collins   | HJ David     |
| P Davies    | PA Davies         | SK Dendy     | DK Edwards   |
| J Gebbie    | T Giffard         | RM Granville | CA Green     |
| DG Howells  | A Hussain         | RM James     | B Jones      |
| M Jones     | MJ Kearn          | DRW Lewis    | JE Lewis     |
| D Patel     | RL Penhale-Thomas | AA Pucella   | JC Radcliffe |
| KL Rowlands | B Sedgebeer       | RMI Shaw     | CE Smith     |
| SG Smith    | JC Spanswick      | RME Stirman  | G Thomas     |
| T Thomas    | JH Tildesley MBE  | E Venables   | SR Vidal     |
| MC Voisey   | LM Walters        | CA Webster   | DBF White    |
| PJ White    | A Williams        | AJ Williams  | HM Williams  |
| RE Young    |                   |              |              |

Apologies for Absence

S Aspey, DG Owen, KJ Watts and JE Williams

Officers:

|                |  |
|----------------|--|
| Susan Cooper   | Corporate Director - Social Services & Wellbeing |
| Lindsay Harvey | Corporate Director Education and Family Support  |
| Michael Pitman | Business & Administrative Apprentice             |
| Andrew Rees    | Democratic Services Manager                      |
| Mark Shephard  | Chief Executive                                  |
| Kevin Stephens | Democratic Services Assistant                    |
| Kelly Watson   | Head of Legal & Regulatory Services              |

313. DECLARATIONS OF INTEREST

None.

314. TO RECEIVE ANY ANNOUNCEMENTS FROM THE MAYOR COUNCILLOR JR MCCARTHY

The Mayor informed Council of the engagements which he and his Consort had attended in the past month which included the opening of the newest phase of the safe routes to school from Croesty School to Coychurch. The Mayor and Consort visited Brynteg Lower school to hear the harrowing story of Holocaust survivor Eva Clarke. The Mayor also informed Council that he and the Consort had attended the retirement lunch for Dame Kate Thomas, who was retiring from her position of Lord Lieutenant.

He and the Consort had a further 3 engagements to attend and he thanked all Members and officers for their help in the Mayoral year.

315. TO ELECT THE MAYOR TO BE INVESTED AT THE CIVIC INAUGURATION CEREMONY ON 22 MAY 2019 AND THE MAYOR (ELECT) TO ANNOUNCE THEIR CONSORT / ESCORT

A motion was made which was duly seconded and carried unanimously, that Councillor SE Baldwin be appointed Mayor for 2019/20.

RESOLVED: That Councillor SE Baldwin be elected as Mayor for the ensuing year.

Councillor Baldwin announced that his Consort for the ensuing year would be his partner Mr Craig Williams.

316. TO APPOINT THE DEPUTY MAYOR TO BE INVESTED AT THE CIVIC INAUGURATION CEREMONY ON 22 MAY 2019 AND AN ANNOUNCEMENT TO BE MADE OF THE DEPUTY MAYOR'S (ELECT) CONSORT / ESCORT

A motion was made which was duly seconded and carried unanimously, that Councillor KJ Watts be appointed Deputy Mayor for 2019/20.

RESOLVED: That Councillor KJ Watts be elected as Deputy Mayor for the ensuing year.

Councillor JE Williams was announced as the Consort to the Deputy Mayor for the ensuing year.

317. TO RECEIVE ANY ANNOUNCEMENTS FROM THE NEWLY ELECTED MAYOR

Councillor Baldwin announced that it was a great honour for him to be elected as Mayor for Bridgend County Borough Council and that he was looking forward to attending a wide variety of events during his year of office. He pay tribute to the outgoing Mayor and Consort for the way in which they had served the County Borough in their year in office.

318. TO ELECT THE LEADER OF BRIDGEND COUNTY BOROUGH COUNCIL

A motion was made which was duly seconded, that Councillor HJ David be elected as Leader of Bridgend County Borough Council for 2019/20.

RESOLVED: That Councillor HJ David be elected Leader of Bridgend County Borough Council for the ensuing year.

319. TO AGREE THE NUMBER OF MEMBERS TO BE APPOINTED TO THE CABINET

RESOLVED: That the Cabinet for 2019/20 consists of the Leader, Deputy Leader and four Cabinet Members supporting portfolios.

320. TO RECEIVE THE REPORT OF THE LEADER

The Leader thanked colleagues for his election as Leader of Bridgend County Borough Council and he pledged once more give the role his full attention and focus. There would need to be a strong focus will be necessary over the next twelve months, with the tenth year of national austerity fast approaching, with the future remaining very challenging for local government, with the Council requiring to save a further £35m over the coming years, which will impact significantly upon local services and council tax rises.

He informed Council that local government and society are in a state of transition, with the uncertainty of Brexit, the Council now being part of a new health authority area,

facing increasing demands for greater regional collaboration, and seeing rapid changes in the roles that councils play in the lives of people living throughout the UK. He stated that the Council has not shied away from making difficult decisions during this period, nor had it lost sight of ensuring the continued safety and wellbeing of the most vulnerable residents despite having to provide services against an ongoing backdrop of increasingly limited resources and requiring an ethos of resilience.

The Council has over the last year recruited and appointed a new Chief Executive, a Director of Education and appointed a new Monitoring Officer, with Council growing its own and promoting from within the organisation. It therefore has the advantage of a new senior management team that has extensive experience of the organisation, and Cabinet will continue to work alongside them in order to meet future challenges head-on.

The Leader acknowledged the efforts of staff at all levels over the last nine years, who have been at the forefront of delivering council services and maintain high quality under some very difficult circumstances. Cutting over 400 posts from organisation has increased the demands placed on staff at all levels within the organisation, but it was reassuring that the authority has a skilled and dedicated workforce in place as it turns towards the year ahead.

The Leader stated that although the Council faces diminishing resources, it has always tried to balance this with innovation and investment in the future, and the Council can never lose sight of the need to invest in its communities, modernise and change services and invest in young people. The Council has opened a new Extra Care facility at Ynysawdre and a second facility preparing to open in Maesteg. Children's residential homes have been remodelled to provide a hub with a new short-term assessment unit featuring for the first time specialist therapeutic care and a new emergency unit, which has helped to avoid making out of county placements in secure accommodation.

The Council has teamed up with organisations such as health and South Wales Police to establish the Multi Agency Safeguarding Hub, helping to respond to safeguarding concerns in a coordinated, joined up and effective way. Elsewhere, the Council has agreed to support young people leaving care by making them exempt from having to pay any council tax until they are 25 years old, and are supporting grieving families by scrapping burial and cremation fees for children and young people who are under 18 years old.

The Council is continuing to revolutionise the way in which people can access council services, and have seen people doing business with the Council around the clock thanks to the launch of the new My Account online feature. The flagship 21<sup>st</sup> Century school modernisation programme has delivered significant success over the last year, and we have been delighted to open state of the art primary schools for Brynmenyn, Pencoed, Bettws and Calan Y Cymoedd. Over the next five years, Band B of the programme will see an investment of more than £65m in a further five new schools, including two Welsh medium primaries and a modern new special school. Investing in education will give young people the skills they need and the local economy the skills it needs to thrive.

There is a shortage of commercial space for small and micro businesses and the investment of £5.5m in the Enterprise Hub Programme to create 1,800 square metres of new business units at Brocastle, Village Farm Industrial Estate, and the Innovation Centre is the biggest ever expansion of business space for small businesses in the County Borough's History. A pipeline of projects are under development through the Cardiff Capital City Deal which is a 10 year long term programme, and as Chair of the Regional Transport Authority, the Leader was delighted to announce proposals for a new park-and-ride at Pyle rail station recently. The Graduate Support Scheme will see

the Council working with local employers to create opportunities with the likes of Sony in Pencoed and Rockwool in Heol Y Cyw, and with cutting-edge technological life science companies within the area employing highly-skilled specialists, we are seeking to capitalise on the world's first semi-conductor cluster project.

The Council is the only one in Wales to have an energy strategy and plan in place for reducing carbon emissions by 95%, leading not just Wales, but the UK. More significantly, the County Borough will have the UK's first and only largescale mine water energy scheme and the District Heat Network project in Bridgend. The Council is supporting a domestic energy efficiency initiative that will help households living in fuel poverty and are trialling the latest hybrid technologies in one of the UK's only living labs through the likes of the Freedom project in Brackla. He stated that the potential of this is huge considering that the City Deal's industrial and economic policy, Welsh Government and UK government identifies energy as a strategic and industrial priority. The kerbside recycling and waste collection service and the enthusiasm and efforts of residents, the Council is the second-highest performing authority in Wales and on track to smash the recycling target set by Welsh Government.

The Leader announced that the Council has invested millions in things like the replacement and resurfacing of roads and pavements throughout the county borough or the installation of more efficient streetlighting. Over the year to come, the Council will be investing millions more in initiatives that range from helping people to access and develop essential disabled facilities to ensuring that local bridges remain safe to use.

The Council has invested in new sea defences which have recently been completed at Porthcawl's town beach, and the new watersports centre which is nearing completion at Rest Bay. These represent another piece in the overall regeneration jigsaw for the town, and we have exciting plans under development that will soon deliver further improvements. Progress continues on plans for the re-development of Maesteg Town Hall to secure it for future generations as regional arts and cultural hub. The Council is committed to ensuring maximising the potential value of the Welsh Government's Valleys Task Force for the Llynfi, Ogmore and Garw. The Council has already seen investment in Garw Valley through the Valleys Regional Park Visitor gateway programme. This has all been achieved at a time when the Council has been forced to find multi-million pound savings in the face of ongoing austerity. The Council has had to fundamentally alter the way in which it provide essential frontline services, and through greater collaboration, partnership working and the use of innovations such as community asset transfers. He stated that the Council will need to continue to work in an engaging and inclusive way with other public sector partners, the third sector and private sector it faces.

The Leader informed Council that weighing people's expectations against the reality of what needs to be done can be a Councillor's singularly most frustrating experience. While this continues to be the case, it does not deflect or distract the Council from doing the right thing, and he believed this Council will continue to seek to provide the best possible outcomes under the circumstances. He stated that Members will continue to remain ambitious for the County Borough.

In his role as Leader, he is supported by Cabinet colleagues, and he acknowledged their contribution to the leadership of the authority and expressed his thanks for their ongoing and much-valued support. He stated that one of the positive hallmarks of this Council is the way that the Council can work across political parties and groups and achieve consensus. He thanked Councillors Clarke, Giffard, James and Penhale-Thomas for working together as Group Leaders. He stated that elected representatives owed that to the communities it represented.

The Leader concluded that the Council remained strong, stable and largely united and by working together to protect essential services for the most vulnerable, prioritising investment in the future, it can ensure that Bridgend County Borough Council can continue to meet the inevitable challenges that lay ahead.

321. THE LEADER TO APPOINT MEMBERS OF THE CABINET

RESOLVED: That the Leader appointed the following Members to the Cabinet:-

Councillor HW Williams  
Councillor D Patel  
Councillor PJ White  
Councillor CE Smith  
Councillor RE Young

322. THE LEADER MAY ANNOUNCE THE DEPUTY LEADER OF BRIDGEND COUNTY BOROUGH COUNCIL FROM THOSE MEMBERS APPOINTED TO THE CABINET AND MAY ANNOUNCE THE APPOINTMENT OF CABINET MEMBERS TO PORTFOLIOS

RESOLVED: That the Leader announced that the Deputy Leader for 2019/20 would be Councillor HM Williams, and that he would be responsible for Resources.

He added that the following Cabinet Members would be responsible for the undermentioned portfolios:-

Councillor D Patel – Wellbeing and Future Generations  
Councillor PJ White – Social Services and Early Help  
Councillor RE Young – Communities  
Councillor CE Smith – Education and Regeneration

323. PROPOSED PROGRAMME OF MEETINGS OF THE COUNCIL AND COUNCIL COMMITTEES

The Monitoring Officer presented a report, the purpose of which, was to propose a programme of ordinary meetings of the Council and Council Committees for the municipal year May 2019 – April 2020 for approval and to note the programme of meetings for the municipal year May 2020 – April 2021.

The Monitoring Officer announced one change to the programme of meetings for the year 2019-2020 that the meeting of the Corporate Overview and Scrutiny Committee be changed from 18 July 2019 to 17 July 2019.

A member requested that the timings of meetings of Council be reviewed and whether consideration could be given to holding some meetings of Council in the evening. The Monitoring Officer informed Council that the Democratic Services Committee would be considering elements of the Constitution in order to review the time period for the submission of Questions and Motions and also the timing of Council meetings with the outcome of the review being reported back to Council.

RESOLVED: That Council:-

- (1) Approved the proposed programme of Council meetings for 2019/20 as set out in paragraph 4.1 of the report.

- (2) Approved the proposed programme of meetings of Council Committees set out in Appendix 1 to this report, subject to the above change.
- (3) Noted the provisional programme of meetings of Council and Committees for 2020/21, set out in Appendix 2 to this report.
- (4) Noted the dates of Cabinet, Cabinet Committees and Cabinet's Joint Committee which are also set out in Appendix 1 to this report, for information purposes.

324. **APPOINTMENTS TO THE COUNCIL COMMITTEES AND OTHER COUNCIL BODIES IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT ACT 2000**

The Monitoring Officer sought approval for the appointment of Overview and Scrutiny Committees and such other Committees, Sub-Committees, Panels and other bodies as the Council considers appropriate, to deal with matters which are neither reserved to full Council nor are executive functions.

The Monitoring Officer reported that the Local Government (Wales) Measure 2011 made a number of requirements in relation to the Audit Committee's membership, including Lay Membership and the appointment of the Chairperson. The Chairperson under the Measure is required to be appointed by the Audit Committee at its first scheduled meeting which is scheduled for 13 June 2019. The lay member of the Committee, Ms J Williams was reappointed for a further term at the Annual Meeting of Council on 17<sup>th</sup> May 2017, and in accordance with the Measure, is allowed to serve a maximum of two terms on the Committee in this capacity.

The Monitoring Officer also reported on an amendment to the Terms of Reference of the Audit Committee to include the following function "*Receive a copy of a report concerning the incidents and near misses reported under the Corporate Risk Management Incident and Near Misses Reporting Procedure (Excluding Health and Safety)*".

The Monitoring Officer reported that the Standards Committee currently comprises seven members and there is currently a vacancy for a Town and Community Councillor and recommended that the membership remain the same as at present and that Part 3 of the Constitution in relation to the Standards Committee membership be amended accordingly.

The Monitoring Officer also reported that the Council currently has in place an Appointments Committee in order to interview and appoint JNC level staff, which includes designated positions such as the Chief Executive, Directors and Heads of Service. In order to accommodate all political Group Leaders on the Appointments Committee, it is proposed to increase the membership by 2 Members, namely the Group Leader of the Llynfi Independents and an additional seat to the Labour Group to maintain their appropriate level of representation on Committees overall.

The Monitoring Officer informed Council that the Measure also established procedures whereby Overview and Scrutiny Committee Chairs are nominated and appointed. The Measure requires that as a minimum the Chairpersons of these Committees be appointed based on the size and political balance of each of the groups that make up the Council. In line with the political composition of the Council, and the formula used under the Local Government Measure with regard to the allocation of Overview and Scrutiny Chairs, these should be allocated to the following political groups:

| <b>Political Group</b> | <b>Number of Chairs to be allocated</b> |
|------------------------|---|
|------------------------|---|

|                      |               |
|----------------------|---------------|
| Labour               | 1 Chairperson |
| Conservative         | 1 Chairperson |
| Independent Alliance | 1 Chairperson |
| Llynfi Independents  | 0 Chairperson |
| Plaid Cymru          | 0 Chairperson |

The Monitoring Officer informed Council that the Chairperson of the Corporate Scrutiny Committee is unallocated and in accordance with the Measure, is to be appointed by the members of the Corporate Scrutiny Committee from one of the Chairpersons of the Scrutiny Subject Committees but it cannot be the Chairperson representing the Executive group.

She stated that the current remit and functions of Committees and other bodies of the Council remain unchanged as detailed in Part 3 of the Constitution – Responsibility for Council Functions and that political balance is essential to determine the allocation of seats on Committees. She detailed the current committee structure and the existing membership of committees which will form the basis of any changes to the membership of the committees.

**RESOLVED:**                      That Council:-

- (1) Appointed the Overview and Scrutiny Committees and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (2) Determined the size and terms of reference for those Committees as set out in **Appendix 1** of the report;
- (3) Determined the allocation of seats to political groups in accordance with the political balance rules as set out in **Appendix 2** of the report;
- (4) Determined which political groups represented at Council are entitled to make which appointments of Overview and Scrutiny Committee Chairpersons;
- (5) Received nominations and appointed Councillors to serve on each of the Committees, Panels and other bodies (as indicated);
  - Appeals Panel
  - Appointments Committee (Chairperson – The Leader)
  - Audit Committee
  - Democratic Services Committee
  - Development Control Committee
  - Licensing Committee
  - Licensing Act 2003 Committee
  - Town and Community Council Forum
  - Subject Overview and Scrutiny Committee 1
  - Subject Overview and Scrutiny Committee 2
  - Subject Overview and Scrutiny Committee 3
  - Corporate Overview and Scrutiny Committee

(6) Received nominations and appointed the Chairpersons and Vice-Chairpersons of the following Committees, Panels and other bodies (as indicated) with it being noted that the Audit Committee at its first scheduled meeting will appoint a Chairperson and Vice-Chairperson:-

- Appeals Panel Chairperson – Councillor NA Burnett
- Appeals Panel Vice-Chairperson – Councillor PA Davies
- Democratic Services Committee – Councillor E Venables
- Development Control Committee Chairperson – Councillor G Thomas
- Development Control Committee Vice-Chairperson – Councillor RM Granville
- Licensing Committee & Licensing Act 2003 Committee Chairperson – Councillor DRW Lewis
- Licensing Committee & Licensing Act 2003 Committee Vice-Chairperson – Councillor PA Davies
- Town & Community Council Forum Chairperson – Councillor HJ David
- Town & Community Council Forum Vice-Chairperson – Councillor CE Smith

(7) Received nominations and appointed the Chairpersons to the following Overview and Scrutiny Committees:-

- Subject Overview and Scrutiny Committee 1 – Councillor CA Webster
- Subject Overview and Scrutiny Committee 2 – Councillor CA Green
- Subject Overview and Scrutiny Committee 3 – Councillor JC Spanswick

(8) That the membership of the Standards Committee remain as at present in accordance with paragraph 4.3 of the report and that part 3 of the Constitution in relation to the Standards Committee membership be amended accordingly;

(9) Approved amendment of Part 3 of the Constitution in relation to the Audit Committee Terms of Reference in accordance with paragraph 4.2.3 of the report and the Appointments Committee in accordance with paragraph 4.4.2 of the report.

**325. REPRESENTATION ON OUTSIDE BODIES AND OTHER COMMITTEES**

The Monitoring Officer sought approval to appoint Members to the South Wales Police and Crime Panel, Cardiff Capital Region City Joint Overview and Scrutiny Committee and the South East Wales Strategic Planning Group.

**RESOLVED:** That Council approved the following nominations to the bodies listed below:-

South Wales Police and Crime Panel – Councillor RE Young

Cardiff Capital Region City Joint Overview and Scrutiny Committee – Councillor JP Blundell

South East Wales Strategic Planning Group – Chairperson of the Development Control Committee

**326. REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WALES 2019/2020**

The Monitoring Officer advised Council of the Annual Report of the Independent Remuneration Panel for Wales in respect of the level and range of remuneration the Authority must make available to its Members for the 2019/20 municipal year.

The Monitoring Officer summarised the determinations of the Panel in relation to the level of basic salary; senior salaries; Leader and Deputy Leader; Cabinet members; Chairs of Committees; the Leader of the largest opposition group; opposition group leaders; civic salaries and co-opted members. She stated that the draft Annual Report of the Panel had been the subject of consultation with all council in Wales and comments had been made by the Democratic Services Committee which resolved to write to the Panel whilst endorsing the determinations it would make, the IRP needs to bear in mind the budgetary pressures faced by local authorities when setting salary levels. It also urged restraint in the conclusions it made in determining pay awards as the Council needs to demonstrate to the public that it is mindful of budgetary constraints in the delivery of public services.

The Monitoring Officer informed Council that the introduction of these proposals will increase the cost of remuneration of Members by £268 per Elected Member which equates to £14,472.

**RESOLVED:** That Council:

(1) noted the determinations and recommendations contained within the Report of the Independent Remuneration Panel for Wales in respect of the level and range of remuneration the Authority must pay its Members for the 2019/20 municipal year;

(2) Approved:

- the adoption of the relevant determinations of the Independent Remuneration Panel contained within its 2019 report;
- those posts (as shown in the revised Members' Schedule of Remuneration), who will receive a senior/civic salary;
- the level of remuneration for the Senior and Civic Salaries (where appropriate);
- the revised Members' Schedule of Remuneration at Appendix 2, and for it to become effective from 15 May 2019 (Annual Meeting of Council).

- that the Members' Schedule of Remuneration be updated with any changes to Senior/Civic Salary positions subsequently made by Council during the 2019/20 municipal year.

The meeting closed at 15:45

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO COUNCIL

19 JUNE 2019

#### REPORT OF THE CORPORATE DIRECTOR EDUCATION AND FAMILY SUPPORT

#### ESTYN INSPECTION OF BRIDGEND COUNTY BOROUGH COUNCIL'S LOCAL GOVERNMENT EDUCATION SERVICES

##### 1. Purpose of report

- 1.1 The purpose of this report is to inform members of the outcomes of the recent Estyn inspection of Bridgend County Borough Council's local government education services.

##### 2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate priority/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.
- 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.
- 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 Bridgend County Borough Council was inspected by Estyn during the week commencing Monday 18 March 2019 under the new Local Government Education Services (LGES) Inspection Framework, introduced in September 2018. The full text of the report is available on the Estyn website:

<https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Bridgend%20County%20Borough%20Council.pdf>

- 3.2 The inspection was moderated by an Assistant Director from Estyn. Inspectors from Wales Audit Office (WAO) and Care Inspectorate Wales (CIW) were members of the inspection team.
- 3.3 A wide range of stakeholders were involved in the inspection including elected members, officers, headteachers, learners and members of the public.

#### 4. Current situation/proposal

4.1 In relation to Inspection Area (IA) 1 Outcomes, the following **strengths** were identified:

- Pupils in Bridgend schools make good progress between the ages of 5 and 16.
- At key stage 4, pupil performance (especially that of more able and talented (MAT) pupils) is strong.
- Performance of learners eligible for free school meals (eFSM) and other vulnerable groups is good.
- Positive reduction in the number of learners not in education, employment or training (NEETs).
- Pupil attendance is good (especially that of vulnerable groups).
- Use of learner voice in the decision-making process is effective.
- Stakeholder engagement is strong.
- Support for learners with education, social and behavioural difficulties (ESBD) is effective.

4.2 In relation to IA1 Outcomes, the following **areas for development** were identified:

- Pace of progress in 'schools causing concern' is too slow.
- Inspection outcomes for primary schools.
- Pupils' literacy skills in primary schools.
- Outcomes for young offenders.
- Performance of sixth form pupils at A\*-C.
- Destination data relating to Year 11 leavers.
- Recognised accreditations achieved by young people in non-formal settings (youth support).

4.3 In relation to IA2 Education Services, the following **strengths** were identified:

- 'Team Bridgend' approach is effective especially in relation to delivery partner engagement.
- Good working relationship between the local authority and the consortium.
- School Improvement Group is effective.
- Local authority and consortium officers know their schools well.
- Support programmes are good and focus appropriately on key areas for improvement (ie School Holiday Enrichment Programme).
- Integrated services complement the work of schools effectively.
- Bridgend Music Service highlighted as providing particularly good provision.
- Good support for learners with ESBD and vulnerable groups – notably through the Inclusion Service and the Vulnerable Groups Team.
- Education Welfare Service identified as effective.

4.4 In relation to IA2 Education Services, the following **areas for development** were identified:

- Weak teaching in 'schools causing concern' is taking too long to improve.
- School improvement evaluations focus too much on data rather than on the standards pupils achieve.
- Current data tracking systems are under-developed (eg ability to monitor learners' needs to be improved).

- Performance of more able and talented learners (especially at key stage 2 and post-16).
- Evaluation of services for learners with ESBD.
- Knowledge in relation to the progress made by young carers

4.5 In relation to IA3 Leadership and Management, the following **strengths** were identified:

- Elected members and officers have a clear vision for ensuring effective education provision in Bridgend.
- The vision is communicated effectively to stakeholders and delivery partners.
- Elected members have a good understanding of education issues.
- Effective cross-party working enables the local authority to continue to deliver its strategy for education.
- Scrutiny is well run.
- The local authority's allocation of resources to its education services and schools reflects the high priority afforded to education in the corporate plan.
- Elected members engage effectively with officers.
- Priorities are clearly defined and provide a sound base for improving education.
- The Education and Family Support Directorate's self-evaluation, risk and financial management processes are well-established and are effective.
- The Education and Family Support Directorate has an effective working structure which brings a focused and collaborative approach to managing a wide range of issues.
- Staff feel valued and are clear about the outcomes they are expected to deliver in their roles.
- Performance management is effective.
- Arrangements for safeguarding in education are appropriate.

4.6 In relation to IA3 Leadership and Management, the following **areas for development** were identified:

- There is too much emphasis on headline measures – closer focus on incremental measures is required.
- Reports to elected members do not always identify the key implications arising from information.
- Involvement of Welsh Education Strategic Forum in Welsh Education Strategic Plan (WESP) activity.
- Monitoring impact of training across services.
- Planned financial savings (especially home-to-school transport).

4.7 The report concluded with the following recommendations:

- R1 Raise standards of literacy in primary schools
- R2 Improve outcomes for post-16 learners in sixth forms
- R3 Increase the pace of improvement in schools causing concern
- R4 Strengthen the role of the Welsh Education Strategic Forum to ensure timely progress in delivering the priorities identified in the Welsh in Education Strategic Plan

- 4.8 In recognition of notable practice, Estyn has asked Bridgend County Borough Council to provide a case study on its work in relation to young people's involvement in decision-making processes in schools and the local authority, for dissemination on Estyn's website.
- 4.9 A post-inspection action plan must be prepared by the local authority and submitted to Estyn by 31 August 2019.
- 5. Effect upon policy framework and procedure rules**
- 5.1 There is no impact on the Council's policy framework or procedure rules.
- 6. Equality Impact Assessment**
- 6.1 There are no direct equality implications arising from 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 arising directly from this information report.
- 9. Recommendation**
- 9.1 It is recommended that Council notes the content of this report.

**Lindsay Harvey**  
**Corporate Director – Education and Family Support**  
**10 June 2019**

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**Background documents**

- Guidance handbook for the inspection of local government education services from September 2018:  
[https://www.estyn.gov.wales/sites/default/files/documents/Guidance%20handbook%20for%20the%20inspection%20of%20LGES%202018\\_0.pdf](https://www.estyn.gov.wales/sites/default/files/documents/Guidance%20handbook%20for%20the%20inspection%20of%20LGES%202018_0.pdf)
- Estyn inspection report accessible online via:  
<https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Bridgend%20County%20Borough%20Council.pdf>

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO COUNCIL

19 JUNE 2019

#### REPORT OF THE MONITORING OFFICER

#### REVIEW OF POLITICAL BALANCE – CHANGES TO COMMITTEE MEMBERSHIP

##### 1. Purpose of Report.

- 1.1 The purpose of this report is to advise Council of the outcome of a review of the political balance of the Authority resulting from a change to the membership of the Plaid Cymru Group and to seek approval of the revised political balance.

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

- 2.1 This report supports all of the 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 Council is required by legislation and the provisions of Part 4 of the Rules of Procedure (Council Procedure Rules) of the Constitution, to undertake arrangements which will continue to facilitate and carry out the decision making processes of the Authority. On 16 May 2018 Council, at its Annual Meeting, approved the political balance and made appointments to Committees to reflect the political make-up of the Authority.
- 3.2 There has been a recent change in respect of the membership of the Plaid Cymru Group, whereby Councillor R Stirman will no longer sit as a stand-alone Independent member and has joined the Plaid Cymru Group. This does not affect the seats currently allocated to Councillor Stirman whereby she will remain a member of the Development Control Committee and Subject Overview and Scrutiny Committees 1 and 3.

#### 4. Current situation / proposal.

4.1 The political composition of Council is now as follows:

| Group                | No of Cllrs | Percentage |
|----------------------|-------------|------------|
| Labour               | 26          | 48.15      |
| Independent Alliance | 10          | 18.52      |
| Conservative         | 8           | 14.81      |
| Plaid Cymru          | 4           | 7.41       |
| Llynfi Independents  | 3           | 5.56       |
| Independent (JHT)    | 1           | 1.85       |
| Independent (JW)     | 1           | 1.85       |
| Independent (KJW)    | 1           | 1.85       |
| Totals               | 54          | 100        |

4.2 Following the review of political balance the membership of committees has been updated to reflect the composition of Council accordingly. The updated political balance figures are shown at **Appendix 1** of the report. The variation of the political balance is between -0.88 seats and + 0.66 seats.

4.3 The change required to committee membership to reflect the revised political balance is as follows:

4.3.1 Labour

No change.

4.3.2 Conservative

No change.

4.3.3 Independent Alliance

No change.

4.3.4 Plaid Cymru

Development Control Committee  
Subject Overview and Scrutiny Committee 1  
Subject Overview and Scrutiny Committee 3

These seats will be maintained by Councillor R Stirman as a member of the Plaid Cymru Group, as opposed to as an Independent Alliance member.

4.3.5 Llynfi Independents

No change.

#### 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. 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.

## **9. Recommendations.**

9.1 Council is recommended to:-

- (1) note the change to the political composition of the Council;
- (2) approve the allocation of seats to political groups in accordance with the political balance rules as set out in **Appendix 1** of the report.

**K Watson**  
**Head of Legal and Regulatory Services & Monitoring Officer**  
**7 June 2019**

**Contact Officer:** **Andrew Rees**  
Democratic Services Manager  
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**Background documents:** None.

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| Committee                                  | Total       | Labour    |              |          | Conservative |              |        | Independent Alliance |              |        | Llynfi Independents |             |        | Plaid Cymru |              |        |
|--|-------------|-----------|--------------|----------|--------------|--------------|--------|----------------------|--------------|--------|---------------------|-------------|--------|-------------|--------------|--------|
|  |             | No        | %            | Change   | No           | %            | Change | No                   | %            | Change | No                  | %           | Change | No          | %            | Change |
| Appeals                                    | 12          | 6         | 50.00        |          | 1            | 8.33         |        | 2                    | 16.67        |        | 1                   | 8.33        |        | 1           | 8.33         |        |
| Appointments Committee                     | 8           | 4         | 50.00        |          | 1            | 12.50        |        | 1                    | 12.50        |        | 1                   | 12.50       |        | 1           | 12.50        |        |
| Audit Committee                            | 12          | 6         | 50.00        |          | 2            | 16.67        |        | 3                    | 25.00        |        | 1                   | 8.33        |        | 0           | 0.00         |        |
| Democratic Services Committee              | 11          | 5         | 45.45        |          | 2            | 18.18        |        | 3                    | 27.27        |        | 0                   | 0.00        |        | 1           | 9.09         |        |
| Development Control Committee              | 18          | 9         | 50.00        |          | 2            | 11.11        |        | 3                    | 16.67        |        | 1                   | 5.56        |        | 2           | 11.11        |        |
| Licensing Act 2003 Committee               | 14          | 7         | 50.00        |          | 2            | 14.29        |        | 2                    | 14.29        |        | 1                   | 7.14        |        | 1           | 7.14         |        |
| Licensing Committee                        | 14          | 7         | 50.00        |          | 2            | 14.29        |        | 2                    | 14.29        |        | 1                   | 7.14        |        | 1           | 7.14         |        |
| Town & Community Council Forum             | 19          | 9         | 47.37        |          | 3            | 15.79        |        | 4                    | 21.05        |        | 1                   | 5.26        |        | 0           | 0.00         |        |
| Scrutiny 1                                 | 16          | 7         | 43.75        |          | 2            | 12.50        |        | 3                    | 18.75        |        | 1                   | 6.25        |        | 1           | 6.25         |        |
| Scrutiny 2                                 | 16          | 8         | 50.00        |          | 3            | 18.75        |        | 4                    | 25.00        |        | 0                   | 0.00        |        | 1           | 6.25         |        |
| Scrutiny 3                                 | 16          | 8         | 50.00        |          | 2            | 12.50        |        | 2                    | 12.50        |        | 1                   | 6.25        |        | 2           | 12.50        |        |
| Corporate                                  | 12          | 6         | 50.00        |          | 2            | 16.67        |        | 2                    | 16.67        |        | 1                   | 8.33        |        | 1           | 8.33         |        |
| <b>Totals</b>                              | <b>168</b>  | <b>82</b> | <b>48.81</b> | <b>0</b> | <b>24</b>    | <b>14.29</b> |        | <b>31</b>            | <b>18.45</b> |        | <b>10</b>           | <b>5.95</b> |        | <b>12</b>   | <b>7.14</b>  |        |
| <b>Councillors</b>                         | <b>54</b>   | <b>26</b> | <b>48.15</b> |          | <b>8</b>     | <b>14.81</b> |        | <b>10</b>            | <b>18.52</b> |        | <b>3</b>            | <b>5.56</b> |        | <b>4</b>    | <b>7.41</b>  |        |
| <b>Variation as %</b>                      |             |           | <b>0.66</b>  |          |              | <b>-0.53</b> |        |                      | <b>-0.07</b> |        |                     | <b>0.40</b> |        |             | <b>-0.26</b> |        |
| <b>Variation as Seats(1% = 1.66 seats)</b> | <b>1.66</b> |           | <b>0.40</b>  |          |              | <b>-0.88</b> |        |                      | <b>-0.11</b> |        |                     | <b>0.66</b> |        |             | <b>-0.44</b> |        |

| Committee                                  | Total       | Independent  |              |        | Independent |              |        | Independent Conservative |              |        |
|--|-------------|--------------|--------------|--------|-------------|--------------|--------|--------------------------|--------------|--------|
|  |             | JH Tildesley |              |        | J Williams  |              |        | K Watts                  |              |        |
|  |             | No           | %            | Change | No          | %            | Change | No                       | %            | Change |
| Appeals                                    | 12          | 1            | 8.33         |        | 0           | 0.00         |        | 0                        | 0.00         |        |
| Appointments Committee                     | 6           | 0            | 0.00         |        | 0           | 0.00         |        | 0                        | 0.00         |        |
| Audit Committee                            | 12          | 0            | 0.00         |        | 0           | 0.00         |        | 0                        | 0.00         |        |
| Democratic Services Committee              | 11          | 0            | 0.00         |        | 0           | 0.00         |        | 0                        | 0.00         |        |
| Development Control Committee              | 18          | 0            | 0.00         |        | 0           | 0.00         |        | 1                        | 5.56         |        |
| Licensing Act 2003 Committee               | 14          | 0            | 0.00         |        | 1           | 7.14         |        | 0                        | 0.00         |        |
| Licensing Committee                        | 14          | 0            | 0.00         |        | 1           | 7.14         |        | 0                        | 0.00         |        |
| Town & Community Council Forum             | 19          | 1            | 5.26         |        | 0           | 0.00         |        | 1                        | 5.26         |        |
| Scrutiny 1                                 | 16          | 0            | 0.00         |        | 1           | 6.25         |        | 1                        | 6.25         |        |
| Scrutiny 2                                 | 16          | 0            | 0.00         |        | 0           | 0.00         |        | 0                        | 0.00         |        |
| Scrutiny 3                                 | 16          | 1            | 6.25         |        | 0           | 0.00         |        | 0                        | 0.00         |        |
| Corporate                                  | 12          | 0            | 0.00         |        | 0           | 0.00         |        | 0                        | 0.00         |        |
| <b>Totals</b>                              | <b>166</b>  | <b>3</b>     | <b>1.81</b>  |        | <b>3</b>    | <b>1.81</b>  |        | <b>3</b>                 | <b>1.81</b>  |        |
| <b>Councillors</b>                         | <b>54</b>   | <b>1</b>     | <b>1.85</b>  |        | <b>1</b>    | <b>1.85</b>  |        | <b>1</b>                 | <b>1.85</b>  |        |
| <b>Variation as %</b>                      |             |              | <b>-0.04</b> |        |             | <b>-0.04</b> |        |                          | <b>-0.04</b> |        |
| <b>Variation as Seats(1% = 1.66 seats)</b> | <b>1.66</b> |              | <b>-0.07</b> |        |             | <b>-0.07</b> |        |                          | <b>-0.07</b> |        |

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO COUNCIL

19 JUNE 2019

#### REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

##### INFORMATION REPORT FOR NOTING

##### 1. Purpose of Report .

- 1.1 The purpose of this report is to inform Council of the Information Report for noting which has been published since its last scheduled meeting.

##### 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 At a previous meeting of Council, it was resolved to approve a revised procedure for the presentation to Council of Information Reports for noting.

##### 4. Current situation / proposal.

##### 4.1 Information Report

The following information report has been published since the last meeting of Council:-

| <u>Title</u> | <u>Date Published</u> |
|--------------|-----------------------|
|--------------|-----------------------|

|                            |              |
|----------------------------|--------------|
| Urgent Delegated Decisions | 13 June 2019 |
|----------------------------|--------------|

##### 4.2 Availability of Documents

These 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 Council acknowledges the publication of the document listed in this report.

**K Watson**  
**Head of Legal and Regulatory Services**  
**June 2019**

**Contact Officer: Mark Anthony Galvin**  
**Senior Democratic Services Officer – Committees**  
**Telephone: (01656) 643147**  
**Email: [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk)**

**Postal address: Democratic Services**  
**Legal and Regulatory Services**  
**Civic Offices**  
**Angel Street**  
**Bridgend**  
**CF31 4WB**

**Background documents:** Report referred to in Paragraph 4.1 of this report.

**BRIDGEND COUNTY BOROUGH COUNCIL**

**INFORMATION REPORT TO COUNCIL**

**19 JUNE 2019**

**REPORT OF THE MONITORING OFFICER**

**URGENT DELEGATED DECISIONS**

**1. Purpose of Report.**

- 1.1 To report to Council delegated decisions taken as a matter of urgency under the Scheme of Delegation of Functions.

**2. Connection to Corporate Improvement Objectives / Other Corporate Priorities.**

- 2.1 The ability of Members and Officers to make decisions directly impacts upon the Authority's ability to implement the Corporate Improvement Objectives and Other Corporate Priorities.

**3. Background.**

- 3.1 These decisions are required to be reported to Council under Paragraph 18 of the Overview & Scrutiny Procedure Rules which are to be found at Part 4 of the Constitution.

**4. Current situation / proposal.**

- 4.1 The Decisions so taken under Scheme A paragraph 1.1 and which therefore bypass the call-in procedure (as set out in paragraph 19 of Part 4 Rules of Procedure within the Constitution), are summarised as follows:-
- 4.2 a) CMM-ED-19-013 – Appendix A to the report  
b) CMM-ED-19-014 – Appendix B to the report

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

- 5.1 This report has no effect on the Council's Policy Framework and Procedure Rules.

**6. Equality Impact Assessment**

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

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

- 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.**

7.1 There are no financial implications relating to the report.

**8. Recommendation.**

8.1 It is recommended that Council notes the report.

**K Watson**

**Head of Legal and Regulatory Services & Monitoring Officer**

**June 2019**

**Contact Officer: Mark Galvin**

Senior Democratic Services Officer – Committees

**Telephone:** (01656) 643148

**E-mail:** [mark.galvin@Bridgend.gov.uk](mailto:mark.galvin@Bridgend.gov.uk)

**Postal Address** Democratic Services, Civic Offices, Angel Street, Bridgend, CF31  
4WB

**Background documents**

Appendix A and B to the report.

### SCHEMES OF DELEGATION OF FUNCTIONS RECORD OF DECISION

#### 1. Scheme Information:

- |  |               |
|--|---------------|
| a. Decision Reference Number:  | CMM-ED-19-013 |
| b. Decision Type (Proposed or Actual):   | Actual        |
| c. Scheme under which decision is to be made   | A             |
| d. Paragraph Number:   | 1.1           |
| e. Does this Decision contain Exempt Information?<br>If so, provide details with reference to paragraph(s)<br>12 to 18, Part 4 and paragraphs 19 to 21, Part 5<br>Schedule 12A, Local Government Act 1972. | No            |
| f. Does this Decision contain "Confidential<br>information:  | No            |

#### 2. Details of Decision (including: Any public interest test undertaken in relation to Part 1(e) above; equalities implications and details of any assessment undertaken)

BCBC has been investigating heat network opportunities within Bridgend Town since 2012. A high level mapping and planning exercise was completed in 2013 that indicated viable project opportunities centred round the two hospitals within the town (Princess of Wales and Glanrhyd) and the civic buildings close to the town centre.

Detailed feasibility studies were completed for both options in 2016 and an outline business case (OBC) for the civic centre option completed in 2017. The OBC was approved by Cabinet in April 2018 and the project progressed beyond OBC to detailed project design. The project is currently in the pre-commercialisation stage and has a detailed RIBA Stage 3 Design.

The scheme is proposed to supply heat and power (via a CHP unit within the Bridgend Life Centre) to the Bridgend Life Centre, Civic Offices, Bridgend Bowls Hall and the new Wellbeing Centre and heat to residential units within the new Sunnyside Wellbeing Village.

The project has progressed from outline business case (approved by Cabinet April 2018) through the detailed project design and is preparing a grant application to UK Government to help secure the delivery of the scheme.

The deadline for the application is 5<sup>th</sup> April 2019. Permission was secured from Cabinet to submit the application as part of the April 2018 Cabinet Report. Due to changes within the project many of the permissions secured are no longer appropriate. The changes can be summarised as:

### **Grant Request**

The grant requested in the April Cabinet Report was considered to be £665,000 as part of a capital project that would be no greater than £2m. The project has changed over the last 12 months due to several factors most notably:

1. Opportunities to supply additional buildings with energy. This offers further opportunities in relation to future viability and sustainability;
2. The costs of the Wellbeing Village heat network connections being included within the project. It is proposed that these additional resources will be supplied by a partners organisation, not BCBC, and that an appropriate form of legal agreement will be established to clearly set this out.

This has meant the capital cost has increased from the original £2,000,000 to £4,229,000 and the grant request has risen to £1,934,045. Whilst this is based on the Detailed Project Design Report prepared by AECOM it is important to note that figures are subject to change.

### **Capital Cost of the Project**

Currently the project has a total capex value of £4,229,000 the Cabinet Report submitted in April 2018 capped the capital value of the project at £2,000,000. Due to the points listed above the initial capital cost of the scheme has increased.

### **Rate of Return**

The rate of return stated within the Cabinet Report will also need to be reviewed in light of the current project status and an appropriate IRR agreed with BCBC Finance Department.

Submission of the grant does not guarantee its success and a decision upon the grant is anticipated in early summer 2019. If a funding offer is forthcoming then a Cabinet Report would be prepared that would present the risks and mitigation measures associated with the whole scheme and its entire funding package and give Cabinet the opportunity to assess progress within the project.

### **Project Delivery**

Delivery of the project is dependent upon securing an acceptable level of HNIP funding for the project and the submission and approval of a sufficiently robust Full Business Case to Cabinet for the delivery of the project.

**3. Reason for Decision (including any reasons for urgency which led to the implementation of the decision before the preparation of this record or before the expiry of 3 working days after the publication of the decision to which call-in provisions apply):**

The decision is being sought on the basis that the Bridgend Town Heat Network Project is developing a grant application to the UK Government HNIP capital grant programme for the delivery of heat network projects.

The deadline for the application is 5<sup>th</sup> April 2019. Permission was secured from Cabinet to submit the application as part of the April 2018 Cabinet Report which approved the outline business case for the project.

The grant requested at that stage was considered to be in the region of £665,000 as part of a capital project that would be no greater than £2m. The project has changed over the last 12 months due to several factors most notably:

1. Opportunities to supply additional buildings with energy and;
2. The costs of the Wellbeing Village heat network connections being included within the project.

Currently the project has a total capex value of £4,026,774 and is requesting a grant of £1,934,045. As this is a departure from the authorisation provided by the April 2018 Cabinet Report a Delegated Power is being sought from the Cabinet Member to provide the authorisation to submit the HNIP grant application due to the changing position of the project.

**4. Details of Consultation undertaken prior to the decision or, if none reasons why none undertaken:**

Corporate Director Communities  
Group Manager Finance  
Cllr C Webster, Chairperson, Scrutiny Subject Committee 1  
Cllr C Green, Chairperson, Scrutiny Subject Committee 2  
Cllr J Spanswick, Chairperson, Scrutiny Subject Committee 3

**5. Details of any interest declared in relation to the decision:**

- a. by any Cabinet Member consulted in relation to the Decision:

None

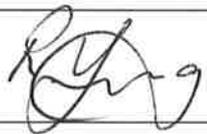
- b. by any Cabinet Member who would have been the Decision maker except for the

declaration of such an interest:

None

c. details of any dispensation granted by the Standards Committee in respect of interest declared:

None

| <b>6. Contact Details:</b> | <b>Case Officer</b>                 | <b>Decision-Maker</b>   |
|----------------------------|-------------------------------------|---|
| a. Name:                   | Michael Jenkins                     | Cllr Richard Young  |
| b. Job Title/Role:         | Team Leader Sustainable Development | Cabinet Member Communities  |
| c. Telephone Number:       | 01656 643477                        | 01656 643548  |
| d. E-mail Address:         | Michael.jenkins@bridgend.gov.uk     | Cllr.Richard.Young@bridgend.gov.uk  |
| e. Date Decision made:     |                                     | 5th April 2019  |
| f. Signature:              |                                     |  |

Notes:

1. Electronic copies of this form must be sent to Democratic Services - Committees (cabinet\_committee)

**7. Decision Administration Information (Cabinet & Committee Services use only)**

- |   |                                     |
|---|-------------------------------------|
| a. Date received                                | <input type="text" value="5/4/19"/> |
| b. Confirmation of Urgency                      | <input type="text" value="-"/>      |
| c. Date published                               | <input type="text" value="5/4/19"/> |
| d. End of Call - In period (Scheme A & B1 only) | <input type="text" value="N/A"/>    |
| e. Decision Called in.                          | <input type="text" value="N/A"/>    |
| f. Effective date of Decision.                  | <input type="text" value="6/4/19"/> |



**SCHEMES OF DELEGATION OF FUNCTIONS**  
**RECORD OF DECISION**

**1. Scheme Information:**

- |  |               |
|--|---------------|
| a. Decision Reference Number:  | CMM-ED-19-014 |
| b. Decision Type (Proposed or Actual):   | Actual        |
| c. Scheme under which decision is to be made   | A             |
| d. Paragraph Number:   | 1.1           |
| e. Does this Decision contain Exempt Information?<br>If so, provide details with reference to paragraph(s)<br>12 to 18, Part 4 and paragraphs 19 to 21, Part 5<br>Schedule 12A, Local Government Act 1972. | No            |
| f. Does this Decision contain "Confidential<br>information:  | No            |

**2. Details of Decision (including: Any public interest test undertaken in relation to Part 1(e) above; equalities implications and details of any assessment undertaken)**

BCBC has been investigating heat network opportunities within Bridgend Town since 2012. A high level mapping and planning exercise was completed in 2013 that indicated viable project opportunities centred round the two hospitals within the town (Princess of Wales and Glanrhyd) and the civic buildings close to the town centre.

Detailed feasibility studies were completed for both options in 2016 and an outline business case (OBC) for the civic centre option completed in 2017. The OBC was approved by Cabinet in April 2018 and the project progressed beyond OBC to detailed project design. The project is currently in the pre-commercialisation stage and has a detailed RIBA Stage 3 Design.

The scheme is proposed to supply heat and power (via a CHP unit within the Bridgend Life Centre) to the Bridgend Life Centre, Civic Offices, Bridgend Bowls Hall and the new Wellbeing Centre and heat to residential units within the new Sunnyside Wellbeing Village.

The project has progressed from outline business case (approved by Cabinet April 2018) through detailed project design (RIBA Stage 3) and is preparing a grant application to UK Government to help secure the delivery of the scheme. The deadline for the application is 5<sup>th</sup> April 2019.

Legal advice for the delivery of the project is being sought currently but it is envisaged that a Special Purpose Vehicle will be created to deliver the project. The SPV will contract a Design Build Operate & Maintain (DBOM) contractor to manage the scheme through the construction and operational phases of the project. It will be the responsibility of the DBOM contractor to agree Heads of Terms and the detailed energy supply contracts with the project customers.

Ahead of the DBOM contractor being appointed draft Heads of Terms have been developed for the project to provide in principle agreement from the various off-takers of heat and power from the project.

The draft Heads of Terms are designed to provide in-principle agreement to taking a supply of heat and power from the scheme and indicative terms around the details of this supply.

The final Heads of Terms agreed for the project will be subject to legal review and the present draft document does not constitute in any way a legally binding contract between any of the parties.

**3. Reason for Decision (including any reasons for urgency which led to the implementation of the decision before the preparation of this record or before the expiry of 3 working days after the publication of the decision to which call-in provisions apply):**

The decision is being sought on the basis that the Bridgend Town Heat Network Project is developing a grant application to the UK Government HNIP capital grant programme for the delivery of heat network projects.

The deadline for the application is 5<sup>th</sup> April 2019. Section 5 of the grant application seeks information concerning contractual commitments secured to support the delivery of the project.

The draft Heads of Terms provide an important piece of evidence that there is generally support from all heat and power off-takers for the project.

The documents are draft and provide an in-principle commitment to the project and indicative terms around the detail of the supply arrangement.

The documents do not constitute a commitment to delivery of the scheme at this stage. There are several project milestones to reach prior to delivery commitment. These can be summarised as:

1. Securing sufficient HNIP grant funding for the scheme.
2. Procuring a suitably experienced DBOM contractor to deliver the project.

3. Securing all permissions and licences (e.g. planning permission) for the project.
4. Agreeing Final Heads of Terms with all heat and power off-takers.
5. Presenting a Full Business Case to Cabinet that receives full approval.

**4. Details of Consultation undertaken prior to the decision or, if none reasons why none undertaken:**

Head of Communities – Operational Services  
 Head of Legal and Regulatory Services  
 Strategic Asset Management and Investment Manager  
 Cllr C Webster, Chairperson, Scrutiny Subject Committee 1  
 Cllr C Green, Chairperson, Scrutiny Subject Committee 2  
 Cllr J Spanswick, Chairperson, Scrutiny Subject Committee 3

**5. Details of any interest declared in relation to the decision:**

- a. by any Cabinet Member consulted in relation to the Decision:

None

- b. by any Cabinet Member who would have been the Decision maker except for the declaration of such an interest:

None

- c. details of any dispensation granted by the Standards Committee in respect of interest declared:

None

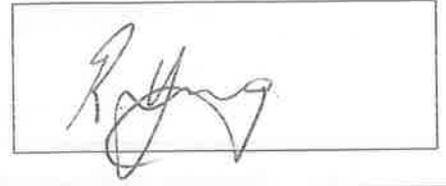
**6. Contact Details:**

|                      | <b>Case Officer</b>                 | <b>Decision-Maker</b>              |
|----------------------|-------------------------------------|------------------------------------|
| a. Name:             | Michael Jenkins                     | Cllr Richard Young                 |
| b. Job Title/Role:   | Team Leader Sustainable Development | Cabinet Member Communities         |
| c. Telephone Number: | 01656 643477                        | 01656 643548                       |
| d. E-mail Address:   | Michael.jenkins@bridgend.gov.uk     | Cllr.Richard.Young@bridgend.gov.uk |

e. Date Decision made:

Stn April 2019

f. Signature:

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to be 'R. King'.

Notes:

1. Electronic copies of this form must be sent to Democratic Services - Committees (cabinet\_committee)

**7. Decision Administration Information (Cabinet & Committee Services use only)**

- |   |                                     |
|---|-------------------------------------|
| a. Date received                                | <input type="text" value="5/4/19"/> |
| b. Confirmation of Urgency                      | <input type="text" value="—"/>      |
| c. Date published                               | <input type="text" value="5/4/19"/> |
| d. End of Call - In period (Scheme A & B1 only) | <input type="text" value="N/A"/>    |
| e. Decision Called in.                          | <input type="text" value="N/A"/>    |
| f. Effective date of Decision.                  | <input type="text" value="5/4/19"/> |



## INDICATIVE TERMS – DRAFT

COMMERCIAL SUPPLY AGREEMENT – SUBJECT TO LEGAL REVIEW

As at [ 5<sup>th</sup> April ] 2019

This indicative term sheet (the “**Term Sheet**”) includes an outline of the main terms and conditions of an agreement to supply Power to commercial units at [Site Name] (“**Agreement**”) pursuant to which the ESCO (as defined below) will connect the Commercial Customer to the private wire system (the “**Private Wire**”), strictly subject to negotiation of full commercial terms between the Commercial Customer (as defined below) and the ESCO (together, the “**Parties**” and, each of them, also a “**Party**”).

The Commercial Tenant is required to enter into a relevant Supply Agreement that will govern all the terms, conditions and charges for the ESCO Services. The following indicative terms are based on current economic and engineering assumptions and do not constitute or imply a commitment from the ESCO to execute the Agreement or from the ESCO to provide any service under these terms.

|                     |  |
|---------------------|--|
| ESCO                | [ESCO Name]  |
| Premises            | [Site]   |
| Commercial Customer | BCBC   |
| Recitals            | <p>The Customer holds a [leasehold/freehold] interest for the Premises at the [Site Name] (the “<b>Site</b>”) and wishes to buy Power in accordance with and subject to this Agreement.</p> <p>The ESCO is appointed to operate and maintain the Private Wire and to exclusively <b>Power</b> to the Site and to the Customer. <b>Power</b> means electricity carried by private wire generated from / through the Private Wire (this could be via a mains connection to grid at certain times).</p>   |
| Term                | [Specific to Customer]   |
| Connection          | <p>The ESCO shall connect the Customer to the Supply Point of the Private Wire in order to provide the supply in compliance with the supply parameters and the terms of this Agreement.</p> <p>The Supply Point shall be existing LV distribution panel for the Site, which shall remain the responsibility of BCBC.</p> <p>For the avoidance of doubt the Private Wire up to and including the Supply Point is the responsibility of the ESCO. The Customer’s Installation downstream from the Supply Point is the responsibility of the Customer.</p>  |
| ESCO Supply         | <p>The ESCO shall provide the Supply to the Customer's Installation on the terms of this Agreement and in accordance with all best market practice and applicable laws. The Power will be supplied by means of [LV cable through the] Private Wire to the Supply Point.</p> <p>The specific characteristics of the supply will be set out as required and will include:</p> <ul style="list-style-type: none"> <li>• Supply Point [to be the primary LV distribution panel];</li> <li>• Peak supply capacity;</li> <li>• Anticipated supply profile;</li> <li>• Primacy of supply [Customer will purchase from ESCO before any other];</li> <li>• [Minimum offtake requirements]; and</li> <li>• [Other supply requirements as required].</li> </ul> <p>In order to provide the Supply to the Customer, the ESCO shall be responsible for the repair, maintenance or replacement of the Private Wire up to and including the Supply Point at its own expense – except where the need for repair, maintenance, replacement etc is caused by the Customer or its employees, agents, contractors, licensees or invitees etc.</p> <p>The ESCO may be required to restrict or disconnect the Supply due to – but not limited to – the following reasons:</p> <ul style="list-style-type: none"> <li>• Emergency or potential emergency situations;</li> <li>• To enable maintenance or repair to be carried out;</li> </ul> |

|                       |   |
|-----------------------|---|
|                       | <ul style="list-style-type: none"> <li>• When obliged to do so to comply with applicable law or due to an event of Force Majeure;</li> <li>• If the Customer has failed to properly maintain equipment within its demise which impacts the performance of the Private Wire; and</li> <li>• When the Customer has failed to pay any sum properly due or commits a material breach of this Agreement.</li> </ul> <p>The ESCO shall act in accordance with best market practice in relation to the Connection and any restriction or disconnection of Supply. This includes acting reasonably in respect of notification and creating rectification plans as appropriate, to ensure the continued operational use of the building.</p>   |
| Title & Access        | <p>The ESCO retains all title to the Private Wire (including any Meters) up to the Supply Point. The Customer will not interfere with, damage or attempt to remove any part of the Private Wire.</p> <p>The Customer retains all title to, and responsibility for, the Customer’s Installation, as described below.</p> <p>The Customer shall procure that the employees, agents, contractors, sub-contractors and/or invitees of the ESCO are entitled to unrestricted access to the Premises for the purposes of carrying out works related to the Private Wire and Supply. Other than in an emergency, advance notice of access / works must be provided.</p>  |
| Customer Installation | <p>The ESCO is only liable for the Private Wire and its interface with the Customer's Installation at the Supply Point. The ESCO shall not be responsible for the adequacy, safety or other characteristics of the Customer's Installation.</p> <p>The Customer shall at all times keep the apparatus and controls forming part of the Customer's Installation set or adjusted to the reasonable satisfaction of the ESCO in such manner as shall not adversely affect, diminish or endanger the Private Wire or the Supply.</p> <p>The Customer shall not install such equipment as will replace the ESCO Supply, without prior agreement.</p>   |
| Security              | <p>[ESCO does not require credit security from the Council]</p>   |
| Power Charges         | <p><b>Charging Principles</b><br/>Initial charges have been set to represent a discount against the current costs. In addition, the charges shall be benchmarked and shall be equivalent to a relevant market comparator.</p> <p>The charges to the Customer are made up of:</p> <p><b>[Connection Charge</b><br/>A charge in relation to the cost of initial Connection of the Site to the Private Wire.]</p> <p><b>Fixed Charge</b><br/>A Fixed Energy Service Charge to cover the fixed costs associated with running and replacing the Private Wire and meeting the Supply. The Fixed Charge shall be subject to an annual inflationary adjustment each year based on labour and retail price indices.</p> <p><b>Variable Charge</b><br/>A Power Price charge per kWh of Power consumed, based initially on [a fixed discount against available market pricing]. The Variable Charge shall be subject to an annual inflationary adjustment each year based on the change in the [available market price].</p> <p>Where there is a requirement for Power to be imported by the ESCO for supply to the Customer to meet peak or back-up requirements, the ESCO will charge the Customer per kWh [at the rate of the prevailing ESCO agreement for import of Power], plus an administration charge of [x]%</p> |

|                                    | <p>The anticipated Charges, based on the date of this Agreement and subject to change, shall be as follows:</p> <table border="1"> <thead> <tr> <th>Connection Charge</th> <th>Fixed Charge</th> <th>Variable Charge (Day)</th> <th>Variable Charge (Night)</th> </tr> </thead> <tbody> <tr> <td>[TBC]</td> <td>£120 /kW / year</td> <td>£0.058-0.062 kWh</td> <td>£0.048-0.052 kWh</td> </tr> </tbody> </table>  | Connection Charge     | Fixed Charge            | Variable Charge (Day) | Variable Charge (Night) | [TBC] | £120 /kW / year | £0.058-0.062 kWh | £0.048-0.052 kWh |
|------------------------------------|---|-----------------------|-------------------------|-----------------------|-------------------------|-------|-----------------|------------------|------------------|
| Connection Charge                  | Fixed Charge  | Variable Charge (Day) | Variable Charge (Night) |                       |                         |       |                 |                  |                  |
| [TBC]                              | £120 /kW / year   | £0.058-0.062 kWh      | £0.048-0.052 kWh        |                       |                         |       |                 |                  |                  |
| Payment                            | <p>Each month the ESCO shall invoice the Customer for all Power supplied to the Premises in the previous month and any other amounts due under this Agreement and any tax (including VAT), levy, duty etc. The metering and billing of the Customer will be compliant with all applicable law and in line with best market practice.</p> <p>The Customer shall be responsible for payment of all charges relating to Power supplied to the Point(s) of Supply. [Payment will be by Direct Debit mandate and collected in arrears].</p> <p>Charges may apply even where Power is not being consumed at the Premises.</p> |                       |                         |                       |                         |       |                 |                  |                  |
| Best Market Practice               | <p>The ESCO has been developed and will operate in accordance with best market practice, achieving guaranteed standards of supply for all Customers.</p>  |                       |                         |                       |                         |       |                 |                  |                  |
| Termination                        | <p>This Agreement shall automatically terminate at the end of the Term.</p> <p>Termination provisions to cover:</p> <ul style="list-style-type: none"> <li>• Where the Customer ceases to be the owner or occupier of the Premises (in line with final billing provisions etc);</li> <li>• Redevelopment of the Premises;</li> <li>• Material breach of either Party;</li> <li>• Insolvency, administration of either Party etc;</li> <li>• Customer failure to pay; and</li> <li>• [General Termination provisions in accordance with the final Supply Agreement.]</li> </ul>  |                       |                         |                       |                         |       |                 |                  |                  |
| Permits and Consents               | <p>Both Parties to comply with relevant authorities, permissions and consents.</p>  |                       |                         |                       |                         |       |                 |                  |                  |
| Data Protection and GDPR           | <p>Both Parties shall comply with any relevant Data Protection Acts in the performance of this Agreement.</p>   |                       |                         |                       |                         |       |                 |                  |                  |
| Insurance, indemnity and Liability | <p>Appropriate insurances to be agreed.<br/>         Customary limits on liability as required for both Customer and ESCO.<br/>         [e.g. no indirect or consequential losses, liability caps in aggregate etc. Limits and specifics to be agreed between the Parties]</p>  |                       |                         |                       |                         |       |                 |                  |                  |
| Standard Terms and Conditions      | <p>Including:</p> <ul style="list-style-type: none"> <li>• Change in Law</li> <li>• Assignment</li> <li>• Confidentiality / Intellectual Property Rights</li> <li>• Dispute Resolution</li> <li>• Representation and Warranties</li> <li>• Cumulative Remedies</li> <li>• Notices</li> <li>• Third Party Rights</li> <li>• Entire Agreement</li> <li>• Waiver</li> <li>• No Variation</li> <li>• Governing Law and Jurisdiction</li> </ul>  |                       |                         |                       |                         |       |                 |                  |                  |

I, [Councillor Richard Young], on behalf of [Bridgend County Borough Council], accept the terms outlined above as indicative commercial terms of supply, subject to final costs, contract terms and legal review.

Signed

A handwritten signature in black ink, appearing to be 'R. G. G.', written over a horizontal line.

## INDICATIVE TERMS – DRAFT

## COMMERCIAL SUPPLY AGREEMENT – SUBJECT TO LEGAL REVIEW

As at [ 5<sup>th</sup> April ] 2019

This indicative term sheet (the “**Term Sheet**”) includes an outline of the main terms and conditions of an agreement to supply heat to commercial units at [Site Name] (“**Agreement**”) pursuant to which the ESCO (as defined below) will connect the Commercial Customer to the estate wide heat system (the “**Energy System**”), strictly subject to negotiation of full commercial terms between the Commercial Customer (as defined below) and the ESCO (together, the “**Parties**” and, each of them, also a “**Party**”).

The Commercial Tenant is required to enter into a relevant Supply Agreement that will govern all the terms, conditions and charges for the ESCO Services. The following indicative terms are based on current economic and engineering assumptions and do not constitute or imply a commitment from the ESCO to execute the Agreement or from the ESCO to provide any service under these terms.

|                     |  |
|---------------------|--|
| ESCO                | [ESCO Name]  |
| Premises            | [Site]   |
| Commercial Customer | Bridgend Borough & City Council  |
| Recitals            | <p>The Customer holds a [leasehold/freehold] interest for the Premises at the [Site Name] (the “<b>Site</b>”) and wishes to buy heat in accordance with and subject to this Agreement.</p> <p>The ESCO is appointed to operate and maintain the Energy System and to exclusively supply <b>Heat</b> to the Site and to the Customer. <b>Heat</b> means the thermal heat carried by hot water and generated from / through the Energy System.</p>   |
| Term                | [Up to 50 years]   |
| Connection          | <p>The ESCO shall connect the Customer to the Supply Point of the Energy System in order to provide the supply in compliance with the supply parameters and the terms of this Agreement.</p> <p>The Supply Point shall be [the primary plate heat exchanger installed for the Site] which will be installed, maintained and replaced by the ESCO</p> <p>For the avoidance of doubt the Energy System, up to and including the Supply Point is the responsibility of the ESCO. The Customer’s Installation downstream from the Supply Point is the responsibility of the Customer.</p>  |
| ESCO Supply         | <p>The ESCO shall provide the Supply to the Customer’s Installation on the terms of this Agreement and in accordance with all best market practice and applicable laws. The Heat will be supplied by means of [circulatory hot water through the] Energy System to the Supply Point.</p> <p>The specific characteristics of the supply will be set out as required and will include:</p> <ul style="list-style-type: none"> <li>• Supply Point [to be the primary plate heat exchanger installed for the Site];</li> <li>• Peak supply capacity;</li> <li>• Flow and return temperatures;</li> <li>• Water quality parameters; and</li> <li>• [Other supply requirements as required].</li> </ul> <p>In order to provide the Supply to the Customer, the ESCO shall be responsible for the repair, maintenance or replacement of the Energy System up to and including the Supply Point at its own expense – except where the need for repair, maintenance, replacement etc is caused by the Customer or its employees, agents, contractors, licensees or invitees etc.</p> <p>The ESCO may be required to restrict or disconnect the Supply due to – but not limited to – the following reasons:</p> <ul style="list-style-type: none"> <li>• Emergency or potential emergency situations;</li> <li>• To enable maintenance or repair to be carried out;</li> </ul> |

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>• When obliged to do so to comply with applicable law or due to an event of Force Majeure;</li> <li>• If the Customer has failed to properly maintain equipment within its demise which impacts the performance of the Energy System; and</li> <li>• When the Customer has failed to pay any sum properly due or commits a material breach of this Agreement.</li> </ul> <p>The ESCO shall act in accordance with best market practice in relation to the Connection and any restriction or disconnection of Supply. This includes acting reasonably in respect of notification and creating rectification plans as appropriate to ensure the continued operational use of the building.</p>              |
| <p>Title &amp; Access</p>                         | <p>The ESCO retains all title to the Energy System (including any Meters) up to the Supply Point. The Customer will not interfere with, damage or attempt to remove any part of the Energy System.</p> <p>The Customer retains all title to, and responsibility for, the Customer’s Installation, as described below.</p> <p>The Customer shall procure that the employees, agents, contractors, sub-contractors and/or invitees of the ESCO are entitled to unrestricted access to the Premises for the purposes of carrying out works related to the Energy System and Supply. Other than in an emergency, advance notice of access / works must be provided.</p>  |
| <p>Customer Installation</p>                      | <p>The ESCO is only liable for the Energy System and its interface with the Customer’s Installation at the Supply Point. The ESCO shall not be responsible for the adequacy, safety or other characteristics of the Customer’s installation.</p> <p>The Customer shall at all times keep the apparatus and controls forming part of the Customer’s Installation set or adjusted to the reasonable satisfaction of the ESCO in such manner as shall not adversely affect, diminish or endanger the Energy System or the Supply. This shall include – but is not limited to – water quality parameters and return temperatures.</p> <p>The Customer shall not install such equipment as will replace the ESCO Supply, without prior agreement.</p> |
| <p>Customer Installation Performance Criteria</p> | <p>The Customer Installation Flow and Return Temperatures:</p> <ol style="list-style-type: none"> <li>1. Recommended flow and return temperatures within the Tenant’s Heat System are on a [x/y]°C basis.</li> <li>2. Return temperatures must not exceed [z]°C above the designed secondary circuit return temperature. <ul style="list-style-type: none"> <li>○ Return temperature to be measured on an agreed basis such as Volume Weighted Average Return Temperature (VWART).</li> </ul> </li> <li>3. If the return temperature exceeds the tolerance set out in 2, above, the ESCO reserves the right to adjust the supply of heat until the issue is rectified by the Customer.</li> </ol>  |
| <p>Security</p>                                   | <p>[ESCO does not require credit security from the Council]</p>  |
| <p>Heat Charges</p>                               | <p><b>Charging Principles</b><br/>Initial heat charges have been set to represent a discount against the current costs. In addition, the heat charges shall be benchmarked and shall be equivalent to a relevant market comparator.</p> <p>The charges to the Customer are made up of:</p> <p><b>Fixed Charge</b><br/>A Fixed Energy Service Charge to cover the fixed costs associated with running and replacing the Energy System and meeting the Supply. The Fixed Charge shall be subject to an annual inflationary adjustment each year based on labour and retail price indices.</p> <p><b>Variable Charge</b></p>  |

|   |   |              |                 |                    |                    |
|---|---|--------------|-----------------|--------------------|--------------------|
|   | <p>A Heat Price charge per kWh of heat consumed, based initially on the incoming cost of [gas, industry standard costs and the heat system efficiency / operations]. The Variable Charge shall be subject to an annual inflationary adjustment each year based on the change in the incoming [gas cost / basket of comparable market gas prices].</p> <p>The anticipated Charges, based on the date of this Agreement and subject to change, shall be as follows:</p> <table border="1" data-bbox="639 450 1235 515"> <tr> <td>Fixed Charge</td> <td>Variable Charge</td> </tr> <tr> <td>£23-26 / kW / year</td> <td>£0.022-0.026 / kWh</td> </tr> </table> <p><b>Market Testing of Charges</b><br/>The ESCO is committed to transparent and fair pricing and will aim to provide pricing and inflationary mechanisms that are in line with, or below the wider energy and heat network market. The charges will be based on the fixed and variable costs to the ESCO and with the customer pricing benchmarked / tested against the wider market and/or an equivalent on-site solution. This is likely to include a mechanism to calculate a maximum unit price of heat.</p> | Fixed Charge | Variable Charge | £23-26 / kW / year | £0.022-0.026 / kWh |
| Fixed Charge                              | Variable Charge   |              |                 |                    |                    |
| £23-26 / kW / year                        | £0.022-0.026 / kWh  |              |                 |                    |                    |
| <p>Payment</p>                            | <p>Each month the ESCO shall invoice the Customer for all Heat supplied to the Premises in the previous month and any other amounts due under this Agreement and any tax (including VAT), levy, duty etc. The metering and billing of the Customer will be compliant with all applicable law and in line with best market practice.</p> <p>The Customer shall be responsible for payment of all charges relating to Heat supplied to the Point(s) of Supply. [Payment will be by Direct Debit mandate and collected in arrears].</p> <p>Charges may apply even where Heat is not being consumed at the Premises.</p>  |              |                 |                    |                    |
| <p>Best Market Practice</p>               | <p>The ESCO has been developed and will operate in accordance with best market practice, achieving guaranteed standards of supply for all Customers. The currently anticipated Standards of Service follow the Heat Trust (<a href="http://www.heattrust.org">www.heattrust.org</a>). The Heat Trust is the accepted standard for market best practice, and is likely to be the basis of upcoming heat market regulation. The proposed Guaranteed Standards of Service mirror the requirements for a domestic supply, which are typically more stringent than commercial supply agreements, and will cover:</p> <ul style="list-style-type: none"> <li>• Unplanned Interruption</li> <li>• Planned Interruption</li> <li>• Multiple Interruptions</li> <li>• Response Times</li> <li>• Refunds</li> <li>• Temporary heating facilities for areas serving vulnerable customers</li> </ul>  |              |                 |                    |                    |
| <p>Termination</p>                        | <p>This Agreement shall automatically terminate at the end of the Term.</p> <p>Termination provisions to cover:</p> <ul style="list-style-type: none"> <li>• Where the Customer ceases to be the owner or occupier of the Premises (in line with final billing provisions etc);</li> <li>• Redevelopment of the Premises;</li> <li>• Material breach of either Party;</li> <li>• Insolvency, administration of either Party etc;</li> <li>• Customer failure to pay; and</li> <li>• [General Termination provisions in accordance with the final Supply Agreement.]</li> </ul>  |              |                 |                    |                    |
| <p>Permits and Consents</p>               | <p>Both Parties to comply with relevant authorities, permissions and consents.</p>  |              |                 |                    |                    |
| <p>Data Protection and GDPR</p>           | <p>Both Parties shall comply with any relevant Data Protection Acts in the performance of this Agreement.</p>   |              |                 |                    |                    |
| <p>Insurance, indemnity and Liability</p> | <p>Appropriate insurances to be agreed.<br/>Customary limits on liability as required for both Customer and ESCO.</p>   |              |                 |                    |                    |

|                               |   |
|-------------------------------|---|
|                               | [e.g. no indirect or consequential losses, liability caps in aggregate etc. Limits and specifics to be agreed between the Parties]  |
| Standard Terms and Conditions | Including: <ul style="list-style-type: none"> <li>• Change in Law</li> <li>• Assignment</li> <li>• Confidentiality / Intellectual Property Rights</li> <li>• Dispute Resolution</li> <li>• Representation and Warranties</li> <li>• Cumulative Remedies</li> <li>• Notices</li> <li>• Third Party Rights</li> <li>• Entire Agreement</li> <li>• Waiver</li> <li>• No Variation</li> <li>• Governing Law and Jurisdiction</li> </ul> |

I, [Councillor Richard Young], on behalf of [Bridgend County Borough Council], accept the terms outlined above as indicative commercial terms of supply, subject to final costs, contract terms and legal review.

Signed  \_\_\_\_\_

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

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