

**CABINET - TUESDAY, 21 JULY 2020**

**MINUTES OF A MEETING OF THE CABINET HELD IN REMOTELY VIA SKYPE FOR BUSINESS ON TUESDAY, 21 JULY 2020 AT 14:30**

Present

Councillor HJ David – Chairperson

CE Smith  
RE Young

PJ White

HM Williams

D Patel

Officers:

Gill Lewis	Interim Head of Finance and Section 151 Officer
Kelly Watson	Chief Officer Legal, HR and Regulatory Services
Mark Shephard	Chief Executive
Susan Cooper	Corporate Director - Social Services & Wellbeing
Deborah Exton	Interim Deputy Head of Finance
Mark Galvin	Senior Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support
Nicola Echanis	Head of Education & Family Support
Michael Pitman	Democratic Services Officer - Committees
Robin Davies	Group Manager - Business Strategy and Performance
John Fabes	Specialist Officer Post 16 Education & Training
Gaynor Thomas	School Programme Manager

515. DECLARATIONS OF INTEREST

The following Members declared personal interests in Agenda Items 8 and 9 as follows:-

Councillor HM Williams – Chairperson of the Board of Governors at Abercerdin Primary School

Councillor RE Young – School Governor at Ysgol Bryn Castell and Litchard Primary School

Councillor D Patel – School Governor at Coleg Cymunedol Y Dderwen and in the process of re-affirming her interest as a School Governor at Ogmores Vale Primary School

Councillor PJ White – Chairperson of the Board of Governors at Nantyffyllon Primary School and a School Governor at Maesteg Comprehensive

Councillor CE Smith – School Governor at Cefn Glas Infants School and Bridgend College

Councillor Smith declared a further personal interest in Agenda Item 10, in that he was referred to in the report.

516. BUDGET MONITORING 2020-21 QUARTER 1 REVENUE FORECAST

The Interim Chief Officer – Finance, Performance and Change presented a report, the purpose of which, was to provide Cabinet with an update on the Council's revenue financial position as at 30 June 2020 and to seek approval for budget virements between £100k and £500k, as required by the Council's Financial Procedure Rules.

She explained that this report was a little different from previous such quarterly reports, due to the challenges brought about by the Covid pandemic in the first 1<sup>st</sup> quarter of this year.

She reminded Cabinet that on 26 February 2020, Council approved a net revenue budget of £286.885m for 2020-21. As part of the Performance Management Framework, budget projections are reviewed regularly and reported to Cabinet quarterly.

The overall projected position at 30 June 2020, is a net over spend of £3.051 million, comprising £2.803 million net over spend on directorates and £248,000 net over spend on corporate budgets. Table 1 in the report referred. The projected position is based on:-

- Inclusion of reimbursed expenditure to date on COVID-19 spend from Welsh Government (WG).
- Exclusion of COVID-19 spend that is currently on hold with WG at the time of writing this report.
- Exclusion of COVID-19 spend that has not yet been claimed or incurred in quarters 2 to 4.
- Exclusion of support from WG for loss of income as the level of support has not been confirmed.

The Interim Chief Officer – Finance, Performance and Change, then referred to the impact that Covid-19 had on the local authority in terms of expenditure, as detailed in paragraph 4.1.3 of the report. This had and would continue to remain in the future, with the result being that the Council were unable to deliver its full extent of savings as well as receiving reduced levels of income.

She added that the Council would need to review its priorities and budgets in light of the impact of the pandemic and re-focus these, in order to move towards a more stable recovery phase as we move out of lockdown.

Paragraph 4.1.5 of the report then gave details of the financial support given to the Council in certain key areas, in order to assist in mitigating some of the effects of the pandemic, whilst paragraph 4.1.6 showed in table format, Covid-19 expenditure claims for Quarter 1 which continued to be made to Welsh Government on a monthly basis. The Interim Chief Officer – Finance, Performance and Change added that claims had been made for a total of £3m and to date £2m had been received. Welsh Government had agreed however, to fund all Welsh Councils 50% of the costs incurred in order for staff to work from home.

The Council had also submitted a claim for loss of income to Welsh Government for the first quarter of 2020-21. Welsh Government has committed a funding of £78m to mitigate against loss of income, but no agreement had been reached at this time on how this would be distributed. Bridgend's estimate for the first quarter was shown in Table 3 of the report, £2.518m.

The next section of the report highlighted that Council Tax income collection rates are suffering as a result of the pandemic and that there was a significant increase in claims being made for Universal Credit.

The next areas of the report highlighted information on Budget virements, Pay/Price inflation, Budget Reduction proposals and Prior Year budget reductions. She emphasised that £709k in reductions was still outstanding from previous years.

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Paragraph 4.2.5 of the report then listed in bullet point format, the most significant budget reduction proposals unlikely to be achieved in full.

The Interim Chief Officer – Finance, performance and Change then concluded her report, by outlining the financial position of the Authority as at 30 June 2020, including the net impact of Covid-19 on the Council's financial position, including on a Directorate by Directorate basis.

The Leader and Deputy leader in turn, highlighted the financial uncertainty the Authority has faced and continues to face going forward and hoped that the support from Welsh Government to this end, would continue in the future.

The Cabinet Member – Wellbeing and Future Generations, added her thanks to Welsh Government for the financial support has shown in paragraph 4.1.5 of the report, particularly in respect of the allocation of Business Grants.

RESOLVED: That Cabinet:

- noted the projected revenue position for 2020-21;
- recommended that Council approve the virements between £100,000 and £500,000 as outlined in paragraph 4.1.11 of the report.

### 517. CAPITAL PROGRAMME OUTTURN 2019-20 AND QUARTER 1 REPORT 2020/21

The Interim Chief Officer – Finance, Performance and Change presented a report, the purpose of which was to:-

- comply with the requirement of the Chartered Institute of Public Finance and Accountancy's (CIPFA) 'The Prudential Code for Capital Finance in Local Authorities (2017 edition)
- provide an update on the capital outturn for 2019-20 (Appendix A to the report)
- provide an update of the Capital Programme for the period 1 April to 30 June 2020 (Appendix B to the report)
- seek agreement from Cabinet to present a report to Council for approval for a revised capital programme for 2020-21 to 2029-30 (Appendix C to the report)
- note the projected Prudential and Other Indicators for 2020-21 (Appendix D to the report)

She referred to the report's current situation, that report provided Members with an update on the Council's capital programme for 2019-20. The original budget approved by Council on 20 February 2019 has been further revised and approved by Council during the year to incorporate budgets brought forward from 2018-19 and any new schemes and grant approvals. The most recent programme for 2019-20, approved by Council in February 2020 as part of the Medium Term Financial Strategy, totalled £30.137 million, of which £13.964 million is met from BCBC resources, including capital receipts, revenue contributions from earmarked reserves and borrowing, with the remaining £16.173 million coming from external resources.

Appendix A provided details of the individual schemes within the capital programme, showing the budget available in 2019-20 compared to the actual spend. The revised programme was only approved in February 2020, so there had been few amendments since then other than the following main changes:

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- new approvals of £1.964 million as a result of a new grant scheme from the Welsh Government - the Hwb Infrastructure Grant
- £0.403 million funding brought back from 20-21 to reflect spend profiles.

This results in the revised budget being £32.504m.

The Chief Officer – Finance, Performance and Change therefore confirmed that the total expenditure as at 31 March 2020 was £22.822m, resulting in a total under spend of £9.682m.

The next section of the report explained that a number of schemes had been delayed due to the Covid-19 situation and subsequent slippage into 2020-21, for which £9.073m is required and these were shown in paragraph 4.1.4 of the report.

The next section of the report provided Members with an update on the Council's capital programme for 2020-21 since the budget was last approved by Council and incorporates any new schemes and grant approvals. The revised programme for 2020-21 currently totals £62.305 million, of which £40.313 million is met from Bridgend County Borough Council (BCBC) resources, including capital receipts, revenue contributions from earmarked reserves and borrowing, with the remaining £21.992 million coming from external resources, including General Capital Grant.

Details of the Capital Programme per Directorate for 2020-21 were detailed in Table 1 at paragraph 4.2.1 of the report.

Table 2 in paragraph 4.2.2 of the report, outlined the Capital Programme 2020-21 Resources and described how the total funding of just over £62m would be funded.

The Interim Chief Officer – Finance, Performance and Change then referred to Appendix B to the report, which provided details of the individual scheme within the Capital Programme, showing the budget available in 2020-21, compared to the projected spend at 30 June 2020.

Paragraph 4.2.4 of the report, then outlined that there were a number of amendments to the Capital Programme for 2020-21, such as new and amended schemes, since it was last approved and these were detailed in the next section of the report.

A Revised Capital Programme was therefore attached at Appendix C to the report.

The final part of the report, gave information in respect of Prudential and Other Indicators for 2020-21 and that these were being monitored, as well as information on Capital Strategy Monitoring.

Appendix D of the report detailed the actual indicators for 2019-20, the estimated indicators for 2020-21 set out in the Council's Capital Strategy and the projected indicators for 2020-21 based on the revised Capital Programme. These reflected that the Authority was operating in line with the approved limits.

The Deputy Leader pointed out that the emergency works to provide alternative teaching accommodation at Mynydd Cynffig Primary School as the original school building had to be closed on health and safety grounds, had meant an extra expenditure incurred by the Council that amounted to £1.2m and this had been an unexpected cost.

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He was pleased however, to see introduced the installation of Electric Vehicle Charging Points at Ravens Court as well as the new Children's Residential Accommodation Hub at Brynmenyn Primary School.

The Leader closed debate on this item by asking the Corporate Director – Education and Family Support if he could explain the works that were being planned for Croesty Primary School.

The Corporate Director – Education and Family Support replied, that this would comprise of a project that would result in extra accommodation being provided at the school for early years and foundation aged children.

RESOLVED: That Cabinet:

- noted the capital outturn for 2019-20 (Appendix A to the report)
- noted the Council's Capital Programme 2020-21 Quarter 1 update to 30 June 2020 (Appendix B to the report)
- agreed that the revised Capital Programme (Appendix C to the report) be submitted to Council for approval
- noted the projected Prudential and Other Indicators for 2020-21 (Appendix D to the report)

### 518. WELSH GOVERNMENT GRANT - WESTERN VALLEY EMPTY HOMES PILOT

The Interim Chief Officer – Finance, Performance and Change submitted a report, the purpose of which, was to provide Cabinet with the background and financial and operational implications of the above project and to ask Cabinet to recommend to Council that match funding for the scheme is included within.

She confirmed that Welsh Government has introduced 2 initiatives to focus on bringing empty properties back into use as described in the report.

The northern parts of Bridgend are within the Valleys Task Force (VTF) catchment area.

On 30 June 2020 Cabinet approved phase 2 of the Valleys Taskforce Empty Homes Grant and approval was given to enter into an agreement with Rhondda Cynon Taf County Borough Council (RCT) who shall run, and administer the Grant for those northern parts of the County only.

The 2 projects are distinct, the VTF initiative is open to people who wish to purchase an empty house, or owners of an empty property to apply for a grant provided the house has been empty for 6 months and plan to live in the property as their main home for at least 5 years. The Western Valleys Empty Homes project is a grant designed for landlords to bring the property back into use in exchange for nomination rights for social housing purposes.

The Minister for Housing and Local Government had agreed in principle to an allocation of capital funding of up to £169,000 for Bridgend in 2020-21 to establish a one year pilot. The offer of grant funding is subject to match funding of 35% being provided by the Council, which is the same percentage of match funding the Council provides under the VTF project. Welsh Government has made this offer based on the calculations outlined in paragraph 4.1 of the report.

Specific locations of housing need would need to be identified to take part in the project.

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The scheme cannot be applied in conjunction with other schemes and a request made to Welsh Government to convert this scheme into the VTF project to ensure a consistent offer across the county was refused. A further request to allow this funding to be used as supplementary funding for RSLs to purchase empty properties, was also declined.

It was proposed that Cabinet agree to take part in the pilot and recommend that Council makes available the match funding of up to £91,000. Covid-19 limitations and the length of time left within this financial year, may impact on the eventual outcome and 13 properties may not be achieved. Therefore the level of grant and match funding will be adjusted on a pro-rata basis.

The Cabinet Member – Wellbeing and Future Generations, felt that there should be similar grant offers available to the kind mentioned in the report to property owners etc, outside as well as inside valley area locations.

The Cabinet Member – Social Services and Early Help welcomed the report, adding that empty and/or dilapidated properties were a blight on the landscape and that the initiative was a positive one, particularly in terms of Social Housing.

The Leader felt that a further report should be submitted to Cabinet in due course, outlining how successful the pilot has been.

RESOLVED: That Cabinet:

- approved BCBC's participation in the scheme and to enter into an agreement with Welsh Government;
- recommended to Council that the capital programme be revised to include the full scheme costs, including £169,000 WG grant and BCBC match funding contribution of £91,000.
- Awaits a further report outlining the success of the pilot.

### 519. CONTRACT EXTENSION - CLOS PENGLYN SUPPORTED LIVING SERVICE

The Corporate Director – Social Services and Wellbeing presented a report, the purpose of which, was to seek authority to vary the current contract with DRIVE Ltd in respect of the specialist supported living service at Clos Penglyn, by extending the existing term for a further 12 months, in accordance with Contract Procedure Rule (CPR) 3.2.9.3.

She explained that the current contract for the provision of a specialist supported living service at Clos Penglyn for individuals with complex learning disabilities and autism was commissioned in 2016, and was awarded to DRIVE Ltd following a tender exercise being undertaken. The existing contract in place with DRIVE Ltd expires on 31<sup>st</sup> August 2020, with no further extension provision.

Due to the significant and unforeseen impact of the Covid-19 pandemic, and the subsequent 'lockdown' restrictions in place to control further infection, it has not been possible for officers to carry out a recommissioning exercise as had been originally intended, or to competitively tender the service.

In view of uncertainty over the duration of the existing 'lockdown' measures in place, it is proposed that the existing contract in place with DRIVE Ltd for the provision of a specialist supported living service at Clos Penglyn be extended for a further 12 months, to 31<sup>st</sup> August 2021, which is the length of time necessary in order to carry out a recommissioning exercise. The recommissioning activity will involve engagement with key stakeholders, which will be reliant on easing of the restrictions imposed by the Covid-19 lockdowns in place. There are also capacity issues with Commissioning Team

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members focusing on Covid-related activities, all of which requires a further 12 months extension.

The Corporate Director – Social Services and Wellbeing, advised that there is provision under CPR 3.2.9.3 to seek to modify an existing contract in certain circumstances, as was outlined in paragraph 4.2 of the report.

She concluded this item, by confirming that the need for modification has been brought about by the impact of the Covid-19 pandemic, circumstances which the Council could not have foreseen when entering into the original contract with Drive. The overall nature of the contract would not be altered, and all other contractual terms remain unchanged, as the proposed variation is for a 12 month extension only. The proposed modification does not exceed 50% of the original contract value.

The Corporate Director – Social Services and Wellbeing referred Members to the financial implications of the report, for further details on the value of the proposed modification.

The Cabinet Member – Social Services and Early Help supported the extension of the contract for 12 months, due to the reasons outlined in the report.

The Leader added that the changes being made have addressed some of the escalating concerns so highlighted in the thrust of the report and he felt that the local Member(s) for this area should be updated on the decision of Cabinet in this matter.

RESOLVED: That Cabinet authorised the modification of the existing contract with DRIVE Ltd in relation to Clos Penglyn, by extending the existing term for a further 12 months to 31<sup>st</sup> August 2021, in accordance with CPR 3.2.9.3.

### 520. INFORMATION REPORT FOR NOTING

The Head of Legal and Regulatory Services presented a report, that informed Cabinet of an Information Report for noting (attached thereto) that had been published since its last scheduled meeting.

Details of the Information Report was shown in paragraph 4.1 of the covering report.

RESOLVED: That Cabinet acknowledged the publication of the document listed in the report.

### 521. LEARNER TRAVEL POLICY

The Corporate Director – Education and Family Support presented a report, the purpose of which was to:

- report on the outcomes of the consultation exercise approved by Cabinet regarding the proposed changes to the local authority's Learner Travel Policy;
- assist Cabinet in determining whether or not it should progress with any of the proposals;
- identify how the proposals would contribute to the overall saving to the Council's medium-term financial strategy;
- request suspension of the local authority's contract procedure rules in respect of the retendering of bus, minibus, special minibus and some taxi contracts; and

- report on the outcomes of the independent strategic review of transport.

The Cabinet Member – Education and Regeneration advised that there were a considerable number of recommendations included on page 107 of the report from Scrutiny, that he considered should be given more consideration prior to the Cabinet making a decision in respect of the report.

He therefore felt that the report should be deferred to the meeting of Cabinet scheduled for 15 September 2020 for the above reason and this proposal was unanimously supported by all Cabinet members.

**RESOLVED:** That Cabinet deferred this report to its next scheduled meeting, in order to give further consideration to the recommendations of the Joint SO&SC 1 and SO&SC 2 dated 6 July 2020.

522. **FEEDBACK ON THE PHASE 4 PUBLIC CONSULTATION ON POTENTIAL CONCEPTS FOR POST-16 PROVISION ACROSS BRIDGEND COUNTY BOROUGH COUNCIL AND RECOMMENDATIONS FOR THE FUTURE OF THE REVIEW**

The Corporate Director – Education and Family Support, briefly introduced the above report on the feedback from the Phase 4 public consultation of the review into post-16 provision across BCBC. He then invited the Specialist Officer for post-16 to go through the detail of the report.

He explained that the purpose of the report was to provide feedback on the public consultation that was held between 2/12/2019 and 21/02/2020 on Phase 4 of the review into post-16 education provision across BCBC. He stated that the consultation put forward three options for consideration and these were described in paragraph 3.2. of the report.

The Specialist Officer for post-16 reported that the public consultation was a robust exercise comprising an online survey, workshop sessions with 1,235 learners in schools and college, public meetings for parents/carers and engagement sessions with staff and governors in schools and the college (341 in attendance).

In referring to the results of the online survey the Specialist Officer for post-16, noted that Option 3, the retention of sixth forms in all secondary schools, was the most popular option, with 75% of respondents strongly agreeing with this option and 85% ranking it as their first choice preference.

Focusing on paragraph 3.7.1 of the report, he pointed out to Cabinet how the results from different school settings were displayed, so that a more nuanced view of the data was available as well as the feedback from Bryntirion and Coleg Cymunedol y Dderwen, two schools which had provided a particularly high proportion of respondents. In addition to the percentage breakdown of responses this section also provided the top three written comment feedbacks from each of the suggested outcomes.

He also pointed out that although in Option 2, outcome B there was a 47% 'strongly disagree' amongst all respondents, by contrast those from Pencoed Comprehensive School were 72% in 'agreement' with the proposal related to the new college STEAM academy on the Pencoed campus.

The Specialist Officer for post-16, explained that in paragraph 3.8 of the report, he had provided a detailed breakdown of the results of the surveys completed by learners in the workshop sessions so that Cabinet members could compare and contrast the range of

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responses across all secondary school settings. Furthermore, paragraphs 3.8.1 to 3.8.10 of the report, provided details on the relative proportion of learners from the different key stages who had engaged in the workshops.

In paragraph 3.9, the Officer highlighted the main themes that emerged from both the written correspondence received by BCBC and views expressed in the open meetings.

The Specialist Officer for post-16 then referred to paragraphs 4 of the report, and he stated that this section of his submission, provided the latest position on the main issues which had emerged during the consultation. The issue which had generated the most comment was that of travel and key information was presented in paragraph 4.1 in relation to this. He noted the link between this section of the report and the report on Learner Travel which Cabinet had deferred to its meeting in September.

He then went on to mention other wider areas of policy and strategy that were raised during the consultation and that could have a bearing on the future of post-16 provision. The most notable of these, were the new Local Development Plan that is being constructed to run from 2021 and the future balance of English and Welsh-medium provision.

Paragraph 4.6 the report provided some more specific detail on the options and outcomes, with indications on how these may or may not be taken forward.

The Specialist Officer for post-16 then referred to the meeting of the Subject Overview and Scrutiny Committees 1 and 2 held on 6 July 2020 and in paragraph 4.7, a summary was provided of the specific points that had been raised by elected members of this joint committee. It was felt by Officers that most of the points had been addressed within the Cabinet report or through the recommendations to Cabinet.

Cabinet members were then updated on the Equalities Impact Assessment and implications for the Well-being of Future Generations, as highlighted in the section of the report that referred to these.

The Specialist Officer for post-16, noted the financial position in paragraph 8 of the report and the slight improvement in the 2020-2021 post-16 grant from Welsh Government compared to the previous years where the budget had been declining.

Finally, arising out of the extensive range of responses received during the course of the public consultation, he referred to paragraph 9 of the report, which laid out a number of recommendations that were being made to Cabinet concerning the future of post-16 education provision across Bridgend County Borough.

The Cabinet Member – Education and Regeneration commended the report which was very detailed and comprehensive and supported the report's recommendations also.

He appreciated the input from Scrutiny and the report reflected that the Authority had also listened to parents, governors, learners and teachers in the report's proposals.

It was clear that these wanted 6<sup>th</sup> form provision to continue across the County Borough, with this being extended to allow more choice and with that increased opportunities.

RESOLVED: That Cabinet

- Noted the contents of the report on the public consultation set out in Appendix 1 of the report: The potential re-organisation of post-16 provision across Bridgend County Borough and the accompanying detailed extracts in Appendices 2 to 16.

- Took forward Option 3 as a solution for the foreseeable future to require schools to work together to deliver on a range of improvements to the current situation such as those listed in section 4.6.7.
- Instigated the development of a County strategy for blended learning drawing upon the recent experiences of the County's schools under the Covid-19 lockdown and taking account of regional and national advice, experience and practice.
- Incorporated the results of decisions on School Transport, the Local Development Plan 2021+ and Welsh-medium education into a long term strategy for secondary school capacities and catchments, including sixth-form provision.
- Worked with partners to further develop the option of a sixth-form centre based at Bridgend College's Pencoed campus in association with the new STEAM centre.
- Investigated the potential for expansion at Coleg Cymunedol y Dderwen within the context of the original planning application in order to provide capacity to meet the projected future demand for places and post-16 provision and collaboration in the northern part of the County Borough
- Agreed that should the current Heronsbridge Special School site become available, then consideration be given to utilising it as a future sixth-form centre of excellence.

523. SCHOOL MODERNISATION PROGRAMME BAND B, MUTUAL INVESTMENT MODEL WELSH EDUCATION PARTNERSHIP - STRATEGIC PARTNERING AGREEMENT

The Corporate Director – Education and Family Support, submitted a report, that provided an update on governance arrangements for the Mutual Investment Model (MIM), and requested that Cabinet considered agreeing to the proposals contained in paragraph 1.1 of the report.

Section 3.1 and 3.2 of the report detailed Cabinet decisions in relation to the Band B schemes, and confirms the approved funding envelope of £68.2m.

The School Programme Manager confirmed, that MIM has been designed to finance major capital projects due to a scarcity of capital funding. It is based on traditional Public Private Partnership structures, but with the following core principles embedded which are detailed in the bullet points at 3.3 of the report.

Under the MIM, the private sector partners will build and maintain public assets and, in return, the Council, supported by funding from the Welsh Government, will pay a fee to the private partner, which will cover the cost of construction, maintenance and financing the project. At the end of the contract the asset reverts to the Council. She added that Cabinet will be aware that the Welsh Government funding intervention rate for MIM schemes is 81%.

Since October 2019 WG has been running a procuring process for a private sector partner to work with it on the delivery MIM schemes, under the 21st Century Schools and Colleges Programme. It will be the only means of delivering revenue funded Band B projects. WG is in the process of appointing WG is in the process of appointing a private sector partner. The successful private sector partner and a subsidiary of the Development Bank of Wales will be required to form Welsh Education Partnership Co (WEPco), which will deliver infrastructure services.

She further reminded Members that Cabinet has previously determined to fund two schemes via MIM.

With regards to the Strategic Partnering Agreement (SPA), the Participants to the arrangements will be a number of local authorities and further education institutions. The Participants and WEPCo will enter into a Strategic Partnering Agreement (SPA) (Appendix 1 to the report referred).

The SPA provides for how the parties act together over the long term in a collaborative partnering, non-adversarial and open manner to support the effective planning, procurement and delivery of education and community facilities in Wales and the delivery of infrastructure services. The SPA is due to be executed in September 2020.

The initial term of the SPA is 10 years. This may be extended by 5 years by any one or more Participants. Under the SPA, WEPCo is required to provide partnering services to the Participants as detailed in paragraph 4.2 of the report.

Paragraph 4.3 then set out the services that WEPCo have exclusive rights to deliver to Participants in terms of project development, partnering services and project services for qualifying projects, which includes Band B. There was also an opportunity to deliver capital projects on a non-exclusive basis.

The School Programme Manager referred Cabinet to Appendix 2 of the report, which provided a more detailed summary of the SPA.

The Strategic Partnering Board (SPB), is the guardian vehicle of these commitments and will act as the primary mechanism for managing WEPCo's performance, she added.

The role of the SPB was set out in paragraph 4.10 of the report.

It was necessary that the Council appointed a representative to sit on the Board, with the attributes of the post holder being set out in paragraphs 4.11 and 4.12, with 4.13 detailing the operational arrangements for the Board.

A more detailed summary of the role of the Board is provided at appendix 3 of the report.

Paragraphs 4.15 to 4.19 of the report, then detailed the process for taking forward projects to WEPCo and how they will be dealt with.

Welsh Government are strongly encouraging Local authorities and further education institutions to sign up to the arrangements with WEPCo via the SPA regardless of whether they have a MIM Scheme in place as WEPCo also offers Strategic Support Partnering Services which can assist Participants with estates planning or associated activities.

The SPA document was not yet in its final form, but it was not envisaged that the draft SPA will change substantially once a preferred bidder is approved. It was recommended that delegated authority is given to the Council's Corporate Director, Education and Family Support, after consultation with the monitoring officer, to agree the final terms of the SPA and make any necessary minor amendments to it, as required.

Whilst there is a mechanism within the SPA that will allow for those Participants (named in the OJEU) to sign up after September 2020 by way of a deed of adherence (DoA), this will create several complexities as detailed in the bullet points under paragraph 4.23 of the report

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If a Participant were to choose not to sign the SPA or the DoA and then wanted in the future to access Partnering Services or Project Services from WEPCo, it will not be able to do so in a procurement safe manner. The risks here were detailed at 4.25 of the report

Welsh Government's Procurement Process for the delivery partner is provided in paragraphs 4.26 to 4.29

The School Programme Manager added, that the report was drafted during the standstill (Alcatel) period. WG had reported that all bidders had been advised of the outcome of the evaluation and WG had since concluded the process.

Approval to enter into the Strategic Partnering Agreement (SPA) is an executive function requiring a decision of the Cabinet. Paragraphs 4.31 to 4.39 of the report detailed the legal aspects here.

While there is no financial consequence in terms of agreeing to enter into the Strategic Partnering Agreement, it is important to note that MIM schools, if progressed to completion, will result in revenue budget pressures, which will be considered as part of the Medium Term Financial Strategy.

The Leader sought advice that Cabinet were not at this time agreeing to any specific Pathfinder Projects at this particular time and that this would be the subject of a further report to be received in due course.

The School Programme Manager confirmed that this was the case and that Feasibility Studies to be carried out during late autumn/winter would give rise to the above process.

**RESOLVED:**                      That Cabinet

- (a) Noted the progress of the Preferred Bidder Stage of the Competitive Dialogue Procedure under the Public Contracts Regulations 2015 as outlined in this report;
- (b) Approved the execution, delivery and performance of the Strategic Partnering Agreement with the Welsh Education Partnership Co in September 2020 to facilitate the delivery of a range of infrastructure services and the delivery of education and community facilities;
- (c) Approved the Strategic Partnering Agreement at Appendix 1 and summarised at Appendix 2 of this report so as to give effect to recommendation (b), subject to recommendation (d) below;
- (d) Gave delegated authority to the Corporate Director, Education and Family Support, after consultation with the monitoring officer and Section 151 officer:
  - (i) to approve the final terms of the Strategic Partnering Agreement, including any amendments to the Strategic Partnering Agreement approved here as may be necessary, for reasons including but not limited to finalising any outstanding areas; and
  - (ii) to approve any further deeds and documents which are ancillary to the Strategic Partnering Agreement;
- (e) Noted that in agreeing to the Strategic Partnering Agreement, it is not being asked to decide to proceed with any Pathfinder Project, and that nothing within the Strategic Partnering Agreement commits the Council to make any such commitment. Any decision to proceed with a Pathfinder

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Project will be reported back to Cabinet in future report(s) for decision. (Page 592 of the report)

(f) Approved the appointment of Cllr Dr Charles Smith, Cabinet Member for Education and Regeneration as 'Participant Representative' to sit on the Strategic Partnering Board (SPB).

524. URGENT ITEMS

None.

525. 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 item of business as it contained exempt information as defined in Paragraphs 14 and 16 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above, to consider the following item in private, with the public excluded from the meeting, as it was considered that in all circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

526. PROPOSED ICF CAPITAL GRANT TO LINC CYMRU

The meeting closed at 16:38