

# 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

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

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Wednesday, 8 September 2021

Dear Councillor,

#### **CABINET**

A meeting of the Cabinet will be held the remotely - via Microsoft Teams on **Tuesday, 14 September 2021 at 14:30.**

#### **AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 16  
To receive for approval the Minutes of 20/07/2021
4. Future Service Delivery Model 17 - 26
5. Medium Term Financial Strategy 2022-23 to 2025-26 update 27 - 36
6. Substance Misuse Service Provision in Bridgend County Borough 37 - 44
7. Transforming Towns (TT) Programme Implementation 2021-2022 45 - 52
8. Small Business Research Initiative Contract Novation 53 - 58
9. School Modernisation Mutual Investment Model and land at Plas Morlais 59 - 66
10. School Modernisation Porthcawl Welsh-Medium Seedling School 67 - 70
11. Suspension of Council's Contract Procedure Rules and Award of Contract for Parent Partnership Services 71 - 76
12. Welsh in Education Strategic Plan 77 - 128

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13. Appointment of Local Authority Governors 129 - 132
14. Revised Socially Responsible Procurement Strategy, Adoption of the Modern Slavery Statement and Update on the Response to the Recommendations of the Procuring Well-Being in Wales Report 133 - 166
15. Revised Contract Procedure Rules 167 - 200
16. Urgent Items  
To consider any items of business that by reason of special circumstances the chairperson is of the opinion should be considered at the meeting as a matter of urgency in accordance with paragraph 2.4 (e) of the Cabinet Procedure Rules within the Constitution.

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk) or tel. 01656 643147 / 643148.

Yours faithfully

**K Watson**

Chief Officer, Legal, HR & Regulatory Services

Councillors:

HJ David

CE Smith

Councillors

HM Williams

D Patel

Councillors

NA Burnett

SE Baldwin

CABINET - TUESDAY, 20 JULY 2021

MINUTES OF A MEETING OF THE CABINET HELD REMOTELY - VIA MICROSOFT TEAMS  
ON TUESDAY, 20 JULY 2021 AT 14:30

Present

Councillor HJ David – Chairperson

CE Smith  
SE Baldwin

HM Williams

D Patel

NA Burnett

Officers:

|                    |   |
|--------------------|---|
| Janine Nightingale | Corporate Director - Communities                        |
| Gill Lewis         | Interim Chief Officer – Finance, Performance and Change |
| Kelly Watson       | Chief Officer Legal, HR and Regulatory Services         |
| Andrew Rees        | Democratic Services Manager                             |
| Lindsay Harvey     | Corporate Director Education and Family Support         |
| Jackie Davies      | Head of Adult Social Care                               |
| Michael Pitman     | Democratic Services Officer - Committees                |
| Pete Tyson         | Planning and Contract Management Officer                |
| Jonathan Parsons   | Group Manager Development                               |
| Joseph Cassinelli  | Principal Planning Officer - Strategic Transportation   |
| Wayne Palmer       | Principal Engineer - Project Management                 |
| Paul Ryan          | Senior Development Surveyor                             |

686. DECLARATIONS OF INTEREST

Councillor N Burnett declared a personal interest in agenda item 10 - Suspension of the Contract Procedure Rules for Home-To-School Transport Minibuses and Taxis as she has co-parenting responsibilities for a child with complex needs going through the transition process.

687. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Cabinet of 18/05/21 and 22/06/21 be approved as a true and accurate record.

688. BUDGET MONITORING 2021-22 QUARTER 1 REVENUE FORECAST

The Interim Chief Officer Finance, Performance and Change reported on an update on the Council's revenue financial position as at 30 June 2021. She informed Cabinet that Council at its meeting on 24 February 2021 approved a net revenue budget of £298.956m for 2021-22 and she summarised the net revenue budget and projected outturn for 2021-22, which showed a net over spend of £904k on directorates and a break even projection on council wide budgets.

The Interim Chief Officer Finance, Performance and Change reported that the Welsh Government had set up a Covid-19 hardship fund, with the Council successfully claiming £15m in expenditure and over £5.5m in loss of income claims in 2020-21. She stated that the Council will continue to claim from the Hardship fund against the eligible criteria and directorates will continue to capture costs incurred as a result of the ongoing impact of the Covid-19 pandemic. Updates will be provided to Cabinet in the quarterly revenue budget monitoring reports.

She informed Cabinet that a Covid -19 Recovery Fund of £1m had been established aimed at boosting recovery that were unlikely to be paid for by the Welsh Government.

She highlighted the claims for Covid-19 expenditure which had been made. A further claim for loss of income was being made to the Welsh Government for the first quarter on 23 July 2021. She stated that in addition to the loss of income, the Council is also likely to see a reduction in Council Tax income. A 1% reduction in the collection rate, could equate to additional pressure to the Council of £1m.

The Interim Chief Officer Finance, Performance and Change reported on position of outstanding prior year budget reductions, in that for 2012-22 there is likely to be a shortfall of £310k and she highlighted the proposals still not likely to be achieved. She highlighted the position of budget reductions in 2021-22, which showed a projected shortfall of £65k, the most significant being the re-location of the Community Recycling Centre from Tythegston to Pyle.

The Cabinet Member Communities referred to the claims on hold and was grateful for the funding made available to support homelessness but noted the tapering of funding. He questioned what claims are on hold and whether it would impact on homelessness. The Interim Chief Officer Finance, Performance and Change informed Cabinet that during lockdown the Council ensured that all homeless people received accommodation, however the Council has a growing number of people in temporary accommodation, with 170 to 200 people per week who present as homeless. The tapering of funding will cause a pressure on the Council's budget, where costs are not funded. The Leader informed Cabinet that the Council is working with its partners on innovative housing solutions and there was a need to increase the pace, due to the increase in homelessness.

The Cabinet Member Social Services and Early Help referred to the many underspends contained within the report, which reflects a lack of capacity and is a negative impact on staff. The Chief Officer Legal, HR and Regulatory Services informed Cabinet that the underspends were not attributed to savings, but where there are vacancies in posts which cannot be cut. Managers are doing their best and are looking at innovation, including opportunities for apprenticeships and a graduate scheme.

The Deputy Leader stated that the Council has been reliant on the funding it has received from the Welsh Government hardship fund and that it is still experiencing the impact of the pandemic along with austerity measures. He questioned the reason for the level of underspend on the adult community learning budget. The Corporate Director Education and Family Support commented on the importance of the adult community learning service, which had seen difficulties being experienced in recruitment to fill vacancies. However due to the pandemic, there had been increased levels of grant funding which had enabled courses to be delivered online.

The Leader commented that the Council will continue to make representations to the Welsh Government, which in turn receives its funding from the UK Government due to the financial pressures faced by the Council and to ensure that services are fully funded.

**RESOLVED:** That Cabinet noted the projected revenue position for 2021-22.

689. **CAPITAL PROGRAMME OUTTURN 2020-21 AND QUARTER 1 UPDATE REPORT 2021-22**

The Interim Chief Officer Finance, Performance and Change presented a report to comply with the requirement of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code for Capital Finance in Local Authorities; provided an update on the capital outturn for 2020-21; provided an update of the capital position for 2021-22 as at 30 June 2021; sought agreement from Cabinet to present a

report to Council for approval a revised capital programme for 2021-22 to 2030-31 and to note the projected Prudential and Other Indicators for 20221-22.

The Interim Chief Officer Finance, Performance and Change reported that Council on 26 February 2020, approved a capital programme, which had been further revised and approved by Council during the year. The most recent programme for 2020-21 of £35.440m approved by Council in February 2021 as part of the Medium Term Financial Strategy, of which £12.419m is met from the Council's resources, including capital receipts, revenue contributions from earmarked reserves and borrowing, with the remaining £23.021m coming from external resources. She informed Cabinet of amendments to the capital programme, with new approvals of £3.060m as a result of a new grant schemes from the Welsh Government, which include £2.329m School Maintenance Grant, £0.149m for the East Hub at Brynteg Comprehensive, £0.174m Green Recovery grant and £0.148m Circular Economy grant and £0.318m funding brought back from 2021-22 to reflect updated spend profiles, bringing the revised budget to £38.818m.

The Interim Chief Officer Finance, Performance and Change reported on an update on the Council's capital programme for 2021-22 since the budget was last approved by Council which incorporated any new schemes and grant approvals. The revised programme for 2021-22 currently totalled £87.347m, of which £53.067m is met from the Council's resources, including capital receipts, revenue contributions from earmarked reserves and borrowing, with the remaining £34.280m coming from external resources, including General Capital Grant. The Interim Chief Officer Finance, Performance and Change highlighted the position by each Directorate. She summarised the current funding assumptions for the capital programme for 2020-21 and that capital resources are managed to ensure that maximum financial benefit for the Council is achieved, which may include the realignment of funding to maximise government grants.

The Interim Chief Officer Finance, Performance and Change reported on a number of amendments made to the capital programme for 2020-21 as follows:

- 21st Century Schools Band B
- Bryncethin Depot
- Bridgend Heat Network
- Evergreen Hall
- Maesteg Town Hall
- Enable Grant
- Local Government Public Highways Refurbishment Grant
- Fleet
- Active Travel Fund
- Welsh Government Resilient Roads Fund & Ultra Low Emissions Vehicle Transformation Fund Grants
- Maes yr Haul Solar Panels
- Cynffig Comprehensive School External Canopy
- Porthcawl Waterfront Regeneration Scheme

The Interim Chief Officer Finance, Performance and Change also reported on the monitoring of Prudential and other indicators for 2021-22 to 2023-24 together with some local indicators. The Capital Strategy is intended to give an overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services along with an overview of how associated risk is managed and the implications for future sustainability. A number of prudential indicators were included, and approved by Council. In line with the requirements of the Prudential Code, the Chief Finance Officer is required to establish procedures to monitor both performance against

all forward-looking prudential indicators and the requirement specified. She detailed the actual indicators for 2020-21, the estimated indicators for 2021-22 set out in the Council's Capital Strategy and the projected indicators for 201-22 based on the revised Capital Programme, which shows that the Council is operating in line with the approved limits.

The Interim Chief Officer Finance, Performance and Change reported that the Capital Strategy also requires the monitoring of non-treasury management investments and other long term liabilities. She stated that the Council does have an existing investment portfolio which is 100% based within the County Borough and primarily the office and industrial sectors. Income streams are spread between the single and multi-let office investments on Bridgend Science Park, the multi-let industrial estates and the freehold ground rent investments. The total value of Investment Properties was £5.035m at 31 March 2021. She informed Council that it has a number of Other Long Term Liabilities included within the Capital Strategy.

The Deputy Leader in commending the revised Capital Programme stated that it represented a spend of £190m across the County Borough over a period of 10 years to make it a good place to live, work and visit. The capital programme will also assist in meeting the Council's decarbonisation objectives.

The Cabinet Member Communities commented on the importance of the active travel programme for traversing across the County Borough as not everyone has access to their own transport.

The Leader referred to the Enable Grant and asked how it would impact positively on vulnerable people. The Interim Chief Officer Finance, Performance and Change informed Cabinet that the Enable Grant will allow for small scale adaptations to take place to enable people to stay in their own homes and live independently, following their discharge from hospital.

The Leader also requested clarification on the spend on the Resilient Roads Fund & Ultra Low Emissions programme. The Corporate Director Communities informed Cabinet that approximately £0.5m will be used to target roads which are vulnerable to flooding to make them more robust to the impact of climate change.

The Leader further requested clarification on the funding of £2.424m School Capital Maintenance grant. The Corporate Director Communities stated that the aim of the funding is to ensure best value is achieved by tendering for the same scheme across schools to maximise the use of money and to ensure the school estate is fit for purpose.

**RESOLVED:** That Cabinet:

- noted the capital outturn for 2020-21 (Appendix A to the report)
- noted the Council's Capital Programme 2021-22 Quarter 1 update to 30 June 2021 (Appendix B)
- agreed that the revised Capital Programme (Appendix C) be submitted to Council for approval
- noted the projected Prudential and Other Indicators for 2021-22 (Appendix D).

690. **REVIEW OF CORPORATE PLAN TARGETS FOR 2021-22 FOLLOWING THE IMPACT OF COVID-19**

The Interim Chief Officer – Finance, Performance and Change presented the report of the Chief Executive which sought Cabinet endorsement of the proposed changes to Corporate Plan targets for 2021-22 prior to submission to Council for approval.

The Interim Chief Officer – Finance, Performance and Change reported that the Corporate Plan was refreshed for 2021-22 in February 2021, endorsed by Cabinet and approved by Council in line with the normal statutory requirement to review the Corporate Plan annually. As part of the approval process for the refreshed Corporate Plan, it was acknowledged that COVID-19 had an impact on the planning cycle, making it more challenging to set targets for 2021-22. It was agreed by Council that a flexible approach to setting corporate plan targets was necessary to ensure business planning is robust and effective.

The Interim Chief Officer – Finance, Performance and Change informed Cabinet that as part of the COVID-19 recovery planning each directorate had the opportunity to consider targets for 2021-22, based on verified year end data. She stated that proposed changes to targets had been considered at the Corporate Overview and Scrutiny Committee meeting on 5 July 2021 to ensure appropriate challenge and transparency. She set out the proposed target changes, which would be published as an addendum to the current Corporate Plan. As part of a wider review of performance and governance due to the Local Government and Elections (Wales) Act 2021, it was proposed that corporate planning adopts this approach to target setting in future planning cycles, to ensure that the published corporate plan remains up to date with the most recent year end data and avoids the issue of publishing the Corporate Plan without targets due to lack of data.

The Cabinet Wellbeing and Future Generations in commending the approach for revised targets for the Corporate Plan referred to the actual performance for the percentage of people presenting as homeless or potentially homeless, being 50.4% as opposed to the target of 10%, being attributed to the expansion of the duty due to the pandemic and the change in categorisation of who the Council owes a duty to. However, the Cabinet Member reassured Members that the pressure was being dealt with.

The Cabinet Wellbeing and Future Generations informed Cabinet that despite the pandemic the Council had managed to bring 2 dwellings back into use and that the Council is committed to bringing further properties back into use. The Cabinet Member Communities thanked the empty properties team in bringing back properties back into use. He stated that there are many reasons for empty properties in town centres and which were not owned by the Council. The Corporate Director Communities confirmed that the majority of properties in town centres were not owned by the Council and that non-food retail had suffered in town centres during the pandemic, however the Council with the Bridgend Town Centre Masterplan would be looking at employment and living opportunities in the town centre with its partners, with opportunities for retail space on ground floors and residential on upper floors. The Corporate Director Communities informed Cabinet that a similar scheme is in the process of being delivered in Maesteg Town Centre.

The Cabinet Member Communities referred to the number of Community Asset Transfers not achieving its target of 15 transfers and asked whether capacity within the team had been impacted during the pandemic. The Corporate Director Communities informed Cabinet that the target of 15 transfers had been set before the pandemic and she thanked the Community Asset Transfer Officer and team for delivering 13 Community Asset Transfers during the year. She stated that each transfer is subject to a great deal of due diligence and as the target had been missed by more than 10%, it does not reflect on the performance of the team. The team would be strengthened by recruitment to it and she hoped that another 10 transfers would be completed.

The Cabinet Member Communities questioned the reason for the percentage budget reductions achieved being 85.8%, missing its target of 89.42%. The Interim Chief Officer – Finance, Performance and Change informed Cabinet that officers had worked hard to achieve the budget reductions and assured Cabinet that savings were continually worked on.

The Cabinet Member Social Services and Early Help referred to the wellbeing objectives being demand-led and she paid tribute to the efforts of staff in the Early Help and the Interventions Teams for their exemplary efforts during the pandemic.

- RESOLVED:**
- (1) That Cabinet approved the revised Corporate Plan targets for 2021-2022 and recommends it to Council for approval on 21 July 2021.
  - (2) The Cabinet also approved the proposal to introduce a flexible process to review the setting of targets informed by year end data. Any revised targets will then be published as an addendum to the Corporate Plan.

691. **RE-COMMISSIONING REGULATED CARE AND SUPPORT AT HOME**

The Head of Adult Social Care presented the report of the Corporate Director Social Services and Wellbeing on an update in respect of the recommissioning work being undertaken for Independent Domiciliary Care (IDC) and Short Breaks services.

She reported that Cabinet at its meeting in November 2014, approved the remodelling homecare implementation plan, which set out the Council's intentions for meeting the increasing demands for internal homecare and external domiciliary care in a sustainable and managed way. It proposed that a framework agreement be established for the provision of externally commissioned domiciliary care, which allowed the Council to test the current market, strengthen the existing contractual arrangements, and open up the market to new providers, which managed the increased challenges and demands. Cabinet in January 2016, approved the award of a framework agreement to 13 providers for the provision of new packages of domiciliary care for the period 1st April 2016 to 31st March 2018, with an option to extend for a further period of up to 24 months. Following engagement sessions undertaken with stakeholders and providers, Cabinet in January 2017 approved the final commissioning plan for the independent domiciliary care sector in Bridgend, and approved the invitation of tenders to establish a framework agreement for the provision of all packages of commissioned domiciliary care. In September 2017, Cabinet approved the award of a framework agreement to 15 providers (13 existing and 2 new providers) for the provision of domiciliary care for the period 1 January 2018 to the 31 December 2019 with an option to extend for a further period of up to 24 months. The full extension period has subsequently been utilised, with current IDC arrangements ending on 31st December 2021.

The Head of Adult Social Care reported that a series of stakeholder engagement and consultation events took place during 2019/20 to co-produce the model for a new short breaks service. This had resulted in the development of a new pathway for carers' services in Bridgend. A key part of that pathway is to provide appropriate short breaks for carers through flexible delivery of replacement care to individuals in need of care and support, that will provide more voice, choice and control for individuals and their carers through an ability to bank weekly assessed hours for flexible use within a 4-week window. Following a successful tender exercise, approval was granted (via Delegated Powers) to award contracts for the provision of a regulated domiciliary Short Break Service for individuals and their carers in Bridgend. The duration of contracts entered



into was 2 years, commencing in July 2019, with the option to extend for up to a further 24 months.

The Head of Adult Social Care reported that safe, flexible and effective care at home services are an essential part of the Council's strategy to help and support individuals to maintain their independence. As a consequence of increasing the capacity within care and support at home services, it had enabled the Directorate to manage the volume of placements made into care homes. She stated that the demands on care and support at home services post-Covid is still yet to be fully understood, but the service is already experiencing significant increase in need.

The Head of Adult Social Care reported that alongside the demand pressures, the pandemic has highlighted the fundamental importance of care and support at home, and the role of professional care workers, in providing essential personal care and support to highly vulnerable people to keep them safe, well and connected. There was also a fundamentally changing requirement in respect of the social care workforce and specific requirements in respect of registration and qualification, requiring a highly skilled, professional workforce working with people at the most challenging times of their lives. The social care market remained fragile, with recruitment and retention posing a significant challenge.

The Head of Adult Social Care reported on a proposal to establish a flexible and outcomes-focused regulated Care at Home Service, which is about a more outcome focused way of commissioning as well as personal care outcomes. She stated that a market testing event took place in May 2021, following which, the preferred option for recommissioning homecare services is to use a similar model and concept for the service specification, where there will be a clear emphasis on voice, choice and control for individuals and carers. This will help the Council meet its corporate strategy of helping to keep people resilient and live as independently as possible within their own homes. As with the existing framework agreements in place, the proposal is to implement a four year (2 years with the option to extend by 24 months) Framework Agreement, which will bring both service types (IDC and Short Breaks) in line with one another. It is proposed to carry out the recommissioning exercise in the same way as when IDC and Short Breaks services have previously been tendered, where existing packages of care will only possibly move over to a new provider at point of review, in order to minimise disruption and unrest for individuals.

The Head of Adult Social Care reported on the price schedule for IDC and short break rates which had been tested with potential bidders at the market testing event.

The Cabinet Member Social Services and Early Help in commending the recommendations stressed the importance of providers paying staff the real living wage, which will make a significant difference to the care individuals receive and that the authority is setting the pace for other authorities to follow. The Leader was also pleased that this would be a significant step in moving towards commissioned staff receiving the real living wage, which showed the authority's commitment to valuing care staff.

**RESOLVED:** That Cabinet:

- Noted the contents of this report;
- Approved the procurement of a Regulated Care at Home Services Framework Agreement of commissioned specialist providers;
- Delegated authority to the Corporate Director Social Services and Wellbeing to tender the Framework Agreement for the Regulated Care at Home Services

- Framework Agreement in consultation with the Chief Officer – Legal, HR and Regulatory Services and noted that a further report shall be presented to Cabinet following the conclusion of the procurement of the Framework Agreement for a decision on whether to award the Framework Agreement and seek approval to enter into the Framework Agreement with successful bidders; and
- Approved a waiver of the Council's Contract Procedure Rules under Rule 3.2.9.3 from the relevant parts of the Contract Procedure Rules for the extension of the existing terms of the Framework for Independent Domiciliary Care for a further 3 months to 31 March 2022.

692. **PORTHCAWL WATERFRONT REGENERATION SCHEME : PROPOSED COMPULSORY PURCHASE ORDER**

The Corporate Director Communities sought a formal resolution of the Cabinet to make, advertise, notify and progress confirmation of a Compulsory Purchase Order (CPO) to acquire land, and to authorise the advertisement of the proposed appropriation of Council owned land to planning purposes to support the Porthcawl Waterfront Regeneration Scheme.

The Corporate Director Communities reported on the steps taken and next steps in the making of a CPO to acquire land to enable delivery of this project. She stated that the Council owns land in the Sandy Bay and Coney Beach area, and in 2011 entered into an agreement with a third party land owner to jointly market and dispose of all of the land to enable the wider Porthcawl Regeneration Area scheme to come forward as a key strategic mixed-use development. Disposal was proposed to be to either a single developer or to multiple developers. She stated there are some unoccupied land parcels where title needs to be cleansed or which are in third party ownership and need to be acquired. She stated that the Council has attempted to acquire the third party land through negotiated agreements, where ownership is known. However, to date, it had not been possible to acquire the third party land by agreement and it was considered that the Council should seek to use its powers under section 226(1)(a) of the Town and Country Planning Act 1990 to acquire land compulsorily within the red edged boundary in the draft plan, as described in the draft CPO and for the reasons set out in the draft Statement of Reasons.

The Corporate Director Communities reported on a proposal to provide a mixed-use development consisting of the following components in accordance with the acquiring authorities' strategic plans and policies to create a primary east west vehicular link; a new large open "Griffin Park"; approximately 912 dwellings on the Sandy Bay/Coney Beach Amusement Park sites and in excess of 328 dwellings on the Salt Lake site; recreational and leisure opportunities; retail and commercial development; new and improved parks and open spaces a new school or expansion of existing educational facilities.

The Corporate Director Communities informed Cabinet that the current target for the completion of the scheme is the late 2020's, with the Council seeking to achieve acquisition of the land to be acquired by early 2023 at latest. It was planned to identify the preferred developer or developers, depending upon whether a single or multiple developers are chosen via open marketing of the first phase of the site in early to mid-2022. The aim is to secure the requisite planning consents for the first phase by late 2023. The Council proposes to dispose of the land by tender, once acquisition is complete. It was considered that that there is a compelling case for compulsory acquisition to secure these remaining small areas of land required to deliver

comprehensive redevelopment in advance of resolving all the uncertainties; and there are realistic prospects of the Council subsequently securing the necessary planning permission for the Scheme. To achieve the Scheme it was considered necessary for the Council to unify all the interests in the land to be acquired.

The Corporate Director Communities referred to the special categories of land to be acquired, along with the appropriation of Council's land. She referred to the human rights implications in that for the purposes for which a compulsory purchase order is made and any decision to appropriate land justifies interfering with the human rights of those with an interest in the land affected.

The Cabinet Member Education and Regeneration stated that the proposed redevelopment of the waterfront will encompass Salt Lake and Sandy Bay, stretching from Rest Bay to Newton. He confirmed that the consultation will include a car parking strategy. The consultation will commence following the conclusion of the consultations for the Local Development Plan and the Masterplan. He stated that no development would take place until a car parking strategy was agreed and he asked the Senior Development Surveyor to clarify the position regarding the purchase of the former model village leisure park.

The Senior Development Surveyor clarified that the Joint Venture partner has a lease of the former model village leisure park, with the freehold interest held by a family trust. Many of the trustees are elderly and some had passed away, the Council would be acquiring the leasehold interest. He stated that compensation will be paid to the owners based on a valuation of the land by valuer's appointed by the Welsh Ministers.

The Leader informed Cabinet that a CPO on its own would not secure the development of the site and there would need for planning consent, the LDP and Masterplan to be in place before any development could take place. The Corporate Director Communities confirmed this is the case and that the CPO changes ownership of the land and that there would need to be detailed surveys, transport and place making briefs in place, prior to a detailed planning process.

The Cabinet Member Communities questioned the owners' agreement and the calculation of the 60/40 split. The Corporate Director Communities stated that it is based on land value as opposed to the area of the land and that independent valuations had been done, with the third party invoiced quarterly. She stated that the freehold of the former model village leisure park would then be in the ownership of the Council following the CPO.

The Leader stated that the next steps is that orders will be made giving the opportunity for objections which would be referred to the Welsh Ministers to make a decision.

**RESLOVED:**            That Cabinet:

- (1) Authorised the Corporate Director-Communities and the Chief Officer Legal, HR and Regulatory Services to make a Compulsory Purchase Order in the form at Appendix 1 to the report (subject to such amendments as the Council's Corporate Director-Communities may authorise) and to publish a Statement of Reasons in the form at Appendix 3 (subject to such amendments as the Council's Corporate Director-Communities may authorise) to acquire the land edged red on the attached plan, for the purposes of enabling the comprehensive development of the Porthcawl Waterfront Regeneration Scheme.

- (2) Authorised the Corporate Director-Communities and the Chief Officer Legal, HR and Regulatory Services to make an application to the Welsh Ministers for a certificate under section 19 of the Acquisition of Land Act 1981 that the beach area is to be purchased in order to secure its preservation or improve its management
- (3) Authorised the Corporate Director-Communities and the Chief Officer Legal, HR and Regulatory Services to advertise and give notice of the making of the Compulsory Purchase Order; and to submit the same to the Welsh Ministers for confirmation,
- (4) Gave authority to the Corporate Director Communities and the Chief Officer Legal, HR and Regulatory Services and those who may be authorised by her to respond to any objections received and to progress any public inquiry which the Welsh Ministers may wish to convene in respect of the making of the Compulsory Purchase Order.
- (5) Authorised the Corporate Director-Communities and the Chief Officer Legal, HR and Regulatory Services to advertise the Council's intention to appropriate the open space land as shown on the plan at Appendix 5 of the report, to a use for planning purposes and to report back to Cabinet to consider any objections received to the proposed appropriation.

**693. PENCOED ROAD BRIDGE AND PENCOED LEVEL CROSSING**

The Corporate Director Communities reported on the current progress relating to a major capital transport investment to improve multi-modal accessibility within and through Pencoed and provided an update on the recent work undertaken together with background information on the current situation and potential aspiration and sought authorisation to go out to public consultation in due course.

The Corporate Director Communities reported that the transport proposals at Pencoed will facilitate active travel on Hendre Road by removing the requirement for pedestrians and cyclists to wait until a train has passed, through the provision of a dedicated active travel bridge. It would also seek to enhance active travel infrastructure at Penprysg Bridge through improved pedestrian and cyclist safety, convenience and usability. She stated that a Stage One WelTAG was completed in June 2019 which identified, developed and appraised a long-list of options used to provide solutions to the issues that currently pose a challenge for connectivity between the west and east of Pencoed. The process identified which of those options from the long-list should be progressed and further investigated at WelTAG Stage Two, which was to examine in greater detail the short-list of options for tackling the problem under consideration, as agreed by the WelTAG Stage One report. She stated that the recommendation of the WelTAG Stage Two study was for the option containing a combination of new bridge provision and closure of the level crossing to be taken forward to WelTAG Stage Three. The closure of the level crossing would be anticipated to include provision of a new active travel bridge. She informed Cabinet that a Steering Group has been set up comprising of representatives from the community, Council, the MP, the constituency MS, the town council, Wales Office, Welsh Government, Network Rail and Transport for Wales. An addendum to WelTAG Stage 2 s also nearing completion which is focussed on active travel bridge options at Hendre Road.

The Corporate Director Communities reported that the next stage is for public consultation on the proposals to formally commence which is critical to the WelTAG process, which will enable some affected landowners to be contacted directly to discuss the concept of the scheme and initial engineering activities required to progress the WelTAG process. These initial works include requirements for third party land access to facilitate topographical surveys, ground investigations, ecology surveys and equipment access. The public consultation phase is critical to the design of the scheme and any subsequent public realm enhancement. She stated engagement had been undertaken and negotiations commenced with Network Rail to facilitate the required access for the initial survey. She informed Cabinet that following favourable public consultation, the project would be able to proceed to WelTAG Stage Three.

The Corporate Director Communities informed Cabinet that the current WelTAG assessments had been funded by the Welsh Government Local Transport Fund which is administered under the Cardiff City Region's Metro Programme and detailed construction costs will be provided at WelTAG Stage Three. However, the current estimate is that the preferred option would cost in the region of £17 million, subject to changing variables and conditions. She indicated that potential sources of funding for future technical work and construction include Section 106 planning contributions, Welsh Government grants, UK Government grants, Cardiff Capital Region City Deal and Network Rail. She informed Cabinet that the Council would need to fully explore future funding options in association with the Steering Group and these will be reported back in due course.

The Cabinet Member Education and Regeneration congratulated the team of officers for the progress it had made with this project to date. He referred to the frequency of trains using the mainline and that the project would impact positively on the future of services calling at Pyle station and on the line to Maesteg. He referred to the cancellation of the electrification project west of Cardiff and asked whether the bridge over the railway line would be future proofed in the event that electrification took place for cables to be run underneath the bridge. The Corporate Director Communities confirmed that the bridge would be future proofed and proposals are being worked up with Capita and Network Rail.

The Cabinet Member Communities requested detail as to when the consultation will commence to ensure there is maximum participation in the consultation. The Corporate Director Communities stated that a consultation will commence in the autumn. A consultation strategy will be developed in order to work with the community and to derive economic benefits and to ensure the consultation as many people as possible. The Group Manager Planning and Development Services informed Cabinet that there is a need for the project to maximise transport connectivity and economic benefits. The project could be some time in the making, necessitating the closure of the mainline at times during construction.

The Deputy Leader asked whether consideration had been given to constructing a tunnel to take the mainline. The Corporate Director Communities stated that this had been considered but had been ruled out due to the instability a tunnel could cause. The Principal Engineer Project Management informed Cabinet that a tunnel had been considered briefly, but its construction would necessitate the closure of the mainline for 5 to 6 months, along with the costs, which would have been astronomical.

The Leader commented on the significance of this engineering project and he looked forward to seeing the outcome of the consultation.

**RESOLVED:** That Cabinet:

- (1) Noted the information contained within the report.
- (2) Delegated Authority to the Corporate Director of Communities to undertake a full public consultation on the scheme, liaise with affected landowners on the proposed design and continue to work closely with Network Rail to design, facilitate and deliver the scheme.
- (3) Agreed that a further report on the consultation outcomes, proposed designs and any potential funding streams comes before a future meeting of the Cabinet before proceeding further.

694. **SUSPENSION OF THE CONTRACT PROCEDURE RULES FOR HOME TO SCHOOL TRANSPORT MINI-BUSES AND TAXIS**

The Corporate Director Education and Family Support sought Cabinet approval to suspend the relevant parts of the Council's Contract Procedure Rules in respect of the requirement to re-tender 154 proposed contracts for home-to-school transport services, and that he be authorised to enter into the contracts directly with relevant operators for the autumn term 2021-2022.

He reported that Cabinet at its on 20 October 2020 approved a procurement exercise to invite tenders to bid for contracts for multiple home-to-school transport services for a term of five years with the option to extend by two further periods of one year, with an indicative total value for the full term identified as £34.2m. He informed Cabinet that a procurement exercise was progressed during June and July 2021 for taxis, minibuses, special taxis and special minibuses, comprising of 154 separate routes, expiring at the end of the current 2020-2021 academic year.

He reported that technical issues with the Sell2Wales notice coupled with recent information concerning changes to COVID-19 operational guidance for schools that are likely to be in place for the start of the autumn term in September 2021, have had an impact on the routes, and the capacity of vehicles required to deliver the service which would have required a substantial material change to the published invitation to tender. Therefore, the Council has found it necessary to abandon the procurement prior to the deadline for tender submissions. It had been intended that new contracts would be awarded in August 2021 in readiness for the start of the autumn term in September 2021.

**RESOLVED:** That Cabinet:

- Agreed to suspend the relevant parts of the Council's contract procedure rules in respect of the requirement to re-tender the contracts listed at Table 1 (at paragraph 4.2) of this report for home-to-school transport services;
- Authorised officers to identify suitable operators for each route referenced in Table 1 (at paragraph 4.2); and
- Authorised the Corporate Director (Education and Family Support) to enter into the contracts with transport operators from 3 September 2021 until 17 December 2021.

695. **HUMAN RESOURCES POLICIES**

The Group Manager Human Resources & Organisational Development sought approval of the Disclosure and Barring Service (DBS) and Resolution Policies.

She reported that reviews had been undertaken and completed on the DBS policy and the current Grievance and Dignity at Work policies and that Service managers played a key role in reviewing the Grievance and Dignity at Work policies and developing the new Resolution policy. Full engagement had taken place with Trade Union representatives in the process and support the proposed policies.

She informed Cabinet that the DBS policy sets out the requirements for criminal record checking, which is a requirement for certain employees and also applies in a range of other service areas and is integral to the council fulfilling its safeguarding arrangements. The resolution policy is a new policy which brings together the current Grievance and Dignity and Work policies and strengthens the provisions in place which allow employees to raise concerns or dignity at work issues. It takes account of current legislation and best practice with the aim of resolving matters sensitively and without undue delay and also includes the promotion and use of facilitated discussions in order to optimise the chance of early resolution.

The Leader in commending the policies stated that the new policies had been developed to reflect the latest legal and regulatory changes, whilst supporting the needs of the Council and taking into account of best practice. He thanked colleagues in HR for their work in the delivery of the policies and for its support of frontline services during the pandemic. He also thanked trade union colleagues for their involvement in the development of the new policies.

**RESOLVED:** That Cabinet approved:

- the DBS Policy (at Appendix 1 to the report)  
the Resolution Policy (Appendix 2).

696. **INFORMATION REPORT FOR NOTING**

The Chief Officer Legal, HR and Regulatory Services presented a report, which informed Cabinet of the following reports which had been submitted for information that had been published since its last scheduled meeting.

**RESOLVED:** That Cabinet acknowledged the publication of the documents listed in the report:

| <u>Title</u>   | <u>Date Published</u> |
|--|-----------------------|
| Monitoring Report – Complaints, Freedom of Information and Data Protection | 14 July 2021          |
| Annual Treasury Management Outturn Report 2020-21                          | 14 July 2021          |

697. **URGENT ITEMS**

There were no urgent items.

The meeting closed at 17:28

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14 SEPTEMBER 2021

### REPORT OF THE CHIEF EXECUTIVE

#### FUTURE SERVICE DELIVERY MODEL

##### 1. Purpose of report

- 1.1 The purpose of this report is to outline the Council's work to date and plans for its future service delivery model as it recovers from the Covid-19 pandemic.

##### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:

- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

##### 3. Background

- 3.1 The Covid-19 pandemic has presented the biggest challenge to local public services in a generation and has led to rapid and significant changes to the way in which the Council and its partners deliver services. Since March 2020, the Council's focus has been to preserve life, minimise the spread of the virus and support all our communities.
- 3.2 The Council's staff have demonstrated their willingness, flexibility, commitment and dedication to deliver front line services to the county borough's communities. For some staff it meant adapting to new ways of working from home. To enable this there has been a significant investment and roll out of additional ICT and DSE equipment to staff with ICT issuing over 700 laptops within the first few weeks of the pandemic, and a shift towards the delivery of many services in a different and more remote way, with an emphasis on enhanced digital availability. A significant investment was also made in core ICT infrastructure to support these changes and provide a reliable home working service. Successful claims of £468,152 were made to the Welsh Government Covid-19 Hardship Fund to initially establish home working arrangements. However the terms and conditions of the fund indicated that as the assets in place should provide longer term benefits to local authorities, then the balance of required investment of £458,497 was directly funded by the Council.
- 3.3 In the main the delivery of services has been maintained very successfully with the Council responding very effectively to both the additional challenges of delivering new Covid related services such as track and trace and helping to implement the hugely successful vaccination programme, while also ensuring that, where significantly

increased demand for its services has emerged, resourcing has been prioritised to those services. However, the unprecedented nature of the challenges the Council has faced has also raised risks and issues which have been identified in the Council's corporate risk assessment. These include the risks to delivering transformational change and agreed financial savings, the recovery and restoration of services while ensuring a Covid safe environment for the public and staff, and workforce issues relating to attracting, developing and retaining staff with the necessary skills to meet the demands placed upon the Council and its services.

- 3.4 A mission critical challenge for the Council now as we accelerate through the recovery phase from the pandemic is how we now most effectively plan for and embrace what has worked well over the past 18 months, while also continuing to address some of the issues and concerns that have arisen around staff wellbeing, team development and access to some services. It is clear that an opportunity exists to develop and implement a new operating model for the delivery of many of the Council's services which will ensure that the Council is 'fit for purpose' moving forward, with a focus on being as agile and customer focussed as possible.
- 3.5 The Council is a diverse and disparate organisation delivering up to 800 different services and employing over 6,000 staff in total. Many staff have continued throughout the pandemic to work as normally as possible, and for many depot based, school based and some social services staff, for example, the future service delivery model may not change in the same way as for other predominantly office based staff based on the nature of staff roles.
- 3.6 In addition to the work on the Council's operating model and accommodation strategy it should be noted that the Council continues to focus on many other parts of 'recovery' from the Covid-19 pandemic including implementing the recommendations from the elected member Cross Party Recovery panel. The response to these recommendations and also other ongoing work to promote recovery has been positive, with action plans implemented in areas such as economic recovery and the response to homelessness.

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

- 4.1 The pandemic has created an opportunity to transform the way in which the Council operates, building on and implementing the lessons and experiences emerging from the pandemic which has seen far more of the Council's services delivered remotely and virtually, and the public embracing new ways of doing business with us. Clearly we must also be minded to ensure that none of the County Borough's residents are excluded by any new ways of working and that, in particular, our services continue to be targeted effectively at those who are most in need and most vulnerable.

##### Project Board

- 4.2 A project board has been established, chaired by the Chief Executive, to drive forward this work with a view to creating a new agile blended model of working. The blended model of working will capitalise on the acceleration of digital transformation during the Covid-19 pandemic and seek to increase the efficiency of services.

- 4.3 The project board has established a number of work streams to support and inform its work; digitalisation, HR, communication, accommodation and management of the interim phase.

#### Strategic Principles

- 4.4 A set of corporate strategic principles have been developed to guide the effective development and implementation of the future service delivery work programme. They have been shared initially with staff groups and the trade unions with a view to setting the parameters and managing expectations for work moving forward. It is recognised that any new delivery model should be informed by a clear view of what service delivery will look like going forward and so it will be important to recognise the differences within each directorate or service area and what is essential for effective service delivery. The principles include the following:-

- **OPPORTUNITY** - That the Council takes advantage of this once in a lifetime opportunity to effect change to the ways in which the organisation works, whilst recognising the challenges this will bring.
- **ALIGNMENT WITH WELSH GOVERNMENT (WG)** - That the model will be developed to achieve, as a minimum, the Welsh Government goal of 30% of our workforce being agile and working from home, at any given point, by 2024.
- **SERVICE DELIVERY LED** - That the Council's proposed model should be directed by its ability to deliver effective services across the County Borough, demonstrating benefit to the Council and its customers.
- **CUSTOMER CENTRIC & IT ENABLED** - That the model should maintain a customer centric approach and explore the potential to further enhance the delivery of digital services. The model must be IT enabled.
- **CIVIC OFFICES AS THE MAIN CIVIC & OPERATIONAL BASE** - The model will work on the assumption that the Civic Office will be retained as the main administrative and democratic base for the Council for the foreseeable future which will also ensure a visible and tangible Council presence in the town centre, but that in due course a rationalisation of other office buildings may be possible.
- **BLENDED MODELS OF WORKING** - The model will recognise the wide range of services delivered by the Council. That some employees may need to work full time from service delivery locations. For others a hybrid agile model of office and remote working would be suitable. This must be service led whilst also taking account of employee wellbeing. In particular new ways of working will encourage where appropriate, less travel, allow more people with caring responsibilities or other circumstances that make it more difficult for them to attend in work all of the time to have greater flexibility in their work practices, and promote better work, life balance.
- **COMMUNICATION & ENGAGEMENT** - That clear communication with staff and trade unions will be critical. Engagement should be taken forward on a set of pre-determined principles and within an agreed set of parameters that can then be reviewed following feedback.

- PROJECT TIMESCALES - That a realistic timeline for the project with agreed milestones must be developed. At this stage, and while government advice remains that if you can work effectively from home you should do so, it is envisaged that an interim phase of a managed, gradual and cautious return to the office will be in place between now and next spring with a long term sustainable plan agreed and in place in readiness to be implemented after that.

#### Potential Benefits

4.5 There are a number of potential benefits that could be derived from a revised future service delivery model, including close alignment with agreed national and corporate objectives. It is recognised that these will have to be managed and monitored carefully moving forward.

- Contribution to the discharge of the Council's duties under the Well-being of Future Generations Act, and in particular an involvement for staff and their representatives in designing a new operating model and an enhanced work life balance for many staff.
- Alignment with WG's target for 30% of workers to be working from home by 2024. To be clear, Welsh Government advice remains at this time that if you can work effectively at home you should do so.
- Positive contribution to the net carbon 2030 agenda by reducing the need to travel to work.
- Contribution to the well-being of staff and a positive work life balance. It is noteworthy that in the recently completed staff survey the vast majority of staff welcomed and supported a more flexible and agile working model, based on blended working that included some home /remote working but with access to the offices and/or meeting rooms as necessary.
- Contribution to the Council's digitalisation strategy with goal of enabling a Digital Council by 2024. The Council's budget consultation exercise last year showed significant support from the public to move in this direction.
- Add value to, and enhance, the existing remote working model by enabling face to face, office based working.
- Contribution to attendance - build on the positive reduction in sickness absence during 2020/2021, although long term trend analysis is not yet available.
- Positive impact on retention and recruitment within some key service areas. This is particularly pertinent at a time when the Council is having difficulty recruiting and retaining staff in some key service areas, for example social care. It is clear that the labour market has changed post Brexit and post Covid 19 pandemic, with greater competition and staff shortages at some grades of work, and a change from many major employers, including most local authorities, to more flexible ways of working for certain roles, which means that if this Council does not similarly adopt more flexible practices it would potentially be disadvantaged compared to its neighbours.

- Possible financial savings from the smarter use of resources including a medium term aim of further rationalising the Council's office portfolio and /or sharing space with other public sector organisations. It is also possible that in due course surplus office space could be made available for alternative use by the private sector providing financial benefits to the Council and helping to sustain long term footfall in Bridgend town centre.

### Challenges

4.6 This innovative work programme will also bring with it a series of significant challenges. It will be important to understand these fully and ensure that the arrangements fit a corporate purpose, in addition to ensuring that each Directorate can deliver services effectively. Those identified include the following:

- There will be a need to manage expectations throughout the organisation and identify adequate resources and training requirements to deliver the cultural change and management required. Crucially it is not possible for all staff, depending on their roles, to work in exactly the same way moving forward.
- Work will need to be undertaken in two phases. An interim phase likely to be from now at least until the spring of 2022, prior to a co-ordinated and managed move to the new model of working. This timeframe is necessary to allow all legal, employment and HR matters to be resolved.
- Work will be dynamic and evolve with the organisation. So reviews of the efficacy of the working arrangements will be necessary. This will include how the Directorates will manage the flexibility offered by a hybrid model.
- There is potential for extremes of staff opinion – focus has to be on the effective delivery of each service area.
- There will be a need for corporate agreement on interim working arrangements.
- The work must recognise the potential impact on the town centre economy from the reduction in staff working on a full time basis in the town centre offices and continue to work closely with traders to maximise footfall and spend.
- Recognition that there could be difficulty in re-locating some services if there were issues with the long term viability of their current accommodation as space in the remaining facilities may be at a premium.

### Interim Phase

4.7 At present, the Council is operating within the interim phase of these plans. An accommodation group has been established to consider business case applications from service areas to return to the office. The business case must clearly set out how a return will benefit service delivery and a risk assessment of the health and safety considerations of that return. A pilot scheme, that enables the Council to support the well-being of individual officers who, because of their circumstances, may prefer to return to work in an office base, has also been implemented within Ravens Court. Managers are able to book one of sixteen desks for their staff in advance for up to 12

weeks at a time. This can be for as little as a single day to a few days each week. So far there have been 6 staff that have benefited from this arrangement with a total of 90 days booked between them so far.

- 4.8 Staff are able to access a wide range of guidance and information to support them through this period and this has now all been brought together in the Portal for Covid-19 and Recovery. The portal includes updated FAQs on coronavirus and any changes introduced as restrictions continue to ease. It also includes updates on HR matters, practical homeworking advice and resources to support employee wellbeing.
- 4.9 Within this phase, a Remote Working Questionnaire was issued to all Group Managers (in addition to Heads of Service and managers where requested) across the Authority by Internal Audit. The purpose of the questionnaire was to identify any changes made to control or governance arrangements as a result of the increase in remote working due to Covid-19. The responses were analysed to gain assurances that key controls are operating effectively and to detect any areas of weakness or risk. The report in July 2021, concluded that the effectiveness of the internal control environment was reasonable and no specific recommendations were made.
- 4.10 Engagement with the trade unions will continue throughout this interim phase and build on an initial discussion with the Chief Executive and HR officers, setting out the corporate strategic principles.

#### Staff Engagement

- 4.11 As part of the interim phase, a survey was developed with the Heads of Service and sent to Group Managers and some Principal Officers, to help inform our understanding of how the remote delivery model has impacted service delivery and what, if any, changes could be made to further enhance future service delivery. Unsurprisingly, given the diverse nature of the Council, responses reflected the particular requirements of each service area. A hybrid model or remote model was welcomed by those service areas with office based staff whilst for other more front facing services, many have already moved back to their service delivery locations or are in the process of working through the relevant health and safety protocols to support that move. The need to ensure effective service delivery that meets the needs of the Council's customers was highlighted by all.
- 4.12 Some of the benefits have already been referenced above but managers highlighted increased efficiencies through having a more flexible and agile service and the move away from an over reliance on face-to-face meetings and paper processes. Having an adequately resourced ICT enabled service was seen as critical and managers were keen to explore further digital solutions for delivery, providing further momentum to drive forward the Council's aim of becoming a Digital Council by 2024, including options for the future management of member meetings. The long term goal, provided that suitable IT solutions can be found to allow it, (voting processes etc) would be for elected members to have the choice of whether they attend Council meetings in person or remotely. The well-being of staff was consistently raised as a concern within responses, along with the need to ensure that ICT enabled meeting spaces are made available to support team cohesion, future planning, training and induction. Managers put forward various options to support a new office model, including a dynamic booking system and the identification of designated service areas with Civic; these will be worked through by the Board. Multi-agency working

was also flagged as an area that will need consideration within the development of any new hybrid model along with the continued engagement of delivery partners and stakeholders.

- 4.13 There is a need to continue to engage and consult appropriately with staff and trade unions, as proposals are developed. Opportunities were taken during the recent staff survey, launched in June 2021, alongside a range of questions (on: culture; line management; corporate communications; knowledge and skills; health and safety and employee wellbeing) to seek views on homeworking.
- 4.14 The survey was made available to 3,166 staff (non-schools) and overall 33% (1,046) of staff responded, with 52% of staff stating that they were working from home for all of their work and a further 18% said they were working from home but only for part of their work. Some of the headline figures are as follows:

|  |
|--|
| 84% of staff agree or strongly agree that they can work productively in their remote environment   |
| 80% of staff agree or strongly agree that they have what they need to effectively work remotely  |
| 90% of staff agree or strongly agree that feel it is important to keep social contact with colleagues  |
| 77% of staff agree or strongly agree that they are able to take a break from their screen  |
| 85% of staff stated that communication/contact with the line manager while working from home had been about right  |
| 81% of staff felt that they did have an appropriate level of support from their manager while working from home  |
| 50% of staff said they occasionally encountered any internet/network connection problems whilst working at home that have affected their ability to work effectively |

- 4.15 Within this section of the survey there was an open ended question enabling staff to comment on anything further about working from home. Over 200 comments were made, with the most common themes being I find working from home more effective (76), I have had lots of WCCIS issues (Social Services software system) working from home (36) and I would prefer a blended option working from home / office in the future (24). It should be noted that the WCCIS issues are linked to national system performance issues that have affected all users, not just those working from home.
- 4.16 Whilst this demonstrates a desire by staff in the main to continue some homeworking, there were also a variety of issues and concerns made throughout the survey where respondents took the opportunity to comment on issues linked to home working and these will be fully analysed and contribute to the developments and proposals for consideration.
- 4.17 In conclusion, an opportunity exists to develop a long-term operating model for the Council which embraces many of the benefits that have emerged from the way the Council has had to operate over the last 18 months during the pandemic, while also addressing some of the concerns that staff and the public have expressed regarding wellbeing issues, opportunities to meet in person where appropriate, and further enhancement of digital services to modernise services while also ensuring that no one is excluded. This programme of work represents one of the most significant operational challenges this Council has faced since its formation in 1995, as such it

will need to be resourced properly, communicated effectively and implemented skilfully to ensure its success.

## **5. Effect upon policy framework and procedure rules**

- 5.1 There is no immediate effect upon the policy framework or procedure rules. This will be kept under review as policies are developed and any policy change will be approved through the appropriate governance arrangements.

## **6. Equality Act 2010 implications**

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an Equality Impact Assessment (EIA) in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report. Any policy changes, including any new HR policies, will be subject to EIAs in the normal manner.

## **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 and some of the proposals will support some of the well-being goals. As proposals are developed and introduced the implications will be considered in detail.

## **8. Financial implications**

- 8.1. There are no immediate financial implications of this report but inevitably these could emerge as the detail becomes clearer.
- 8.2 As the future service delivery model is developed, all options will be subject to the development of business cases that will set out potential costs, savings, timescales and risk. A new hybrid model will likely offer up savings on mileage, office resources (printing/stationery etc.) and building costs, contributing to the Council's de-carbonisation agenda. These will need to be fully explored and considered against potential increases in ICT and office re-configuration costs, required to enable an effective and sustainable hybrid model.
- 8.3 Any costs associated with the on-going delivery of the interim phase will also need to be considered. To date the Council has made significant ICT investment in its core infrastructure, ensuring the delivery of a reliable home working service and in providing staff with over 700 additional laptops and DSE equipment. If the model is to continue, significant further investment will be required to maintain and enhance these arrangements.

## **9. Recommendations**

- 9.1 It is recommended that Cabinet:



- i. Note the information contained within this report and the progress that has been made with regard to a new operating model for the Council, and
- ii. Delegate authority to the Chief Executive to develop options for the longer term operating model of the Council and provide a further report for Cabinet approval in due course.

Mark Shephard  
**Chief Executive**  
14 September 2021

**Contact officer:** Lisa Jones  
Team Leader Regeneration Funding and Regional  
Engagement

**Telephone:** (01656) 815081

**Email:** [lisa.jones@bridgend.gov.uk](mailto:lisa.jones@bridgend.gov.uk)

**Postal address:** Civic Offices, Angel Street, Bridgend, CF31 4WB

**Background documents:**

Cross party recovery panel recommendations and report to Corporate Overview and Scrutiny Committee on 9 June 2021.

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14 SEPTEMBER 2021

### REPORT OF THE INTERIM CHIEF OFFICER – FINANCE, PERFORMANCE AND CHANGE

#### MEDIUM TERM FINANCIAL STRATEGY (MTFS) 2022-23 to 2025-26 UPDATE

#### 1. Purpose of report

- 1.1 The purpose of this report is to present Cabinet with an update on the development of the Medium Term Financial Strategy 2022-23 to 2025-26, following the revision of in-built assumptions, and updated information received since the MTFS 2021-22 to 2024-25 was approved by Council in February 2021.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
3. **Smarter use of resources** – ensuring that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

- 2.2 The allocation of budget determines the extent to which the Council's well-being objectives can be delivered. The Council reviewed and updated its Corporate Plan targets in July 2021 and it will be updated for 2022-23 and presented to Council for approval in February 2022. It is important that actions identified in the Corporate Plan to deliver outcomes are commensurate with the resources identified in the MTFS.

#### 3. Background

- 3.1 The Medium Term Financial Strategy 2021-22 to 2024-25, which was approved by Council on 24 February 2021, identified a potential budget gap of £22 million over the period 2021-22 – 2024-25, with savings of £1.76 million required in 2021-22 and estimated future years' savings as follows:

|                             | <b>2022-23</b><br><b>£000</b> | <b>2023-24</b><br><b>£000</b> | <b>2024-25</b><br><b>£000</b> | <b>Total</b><br><b>£000</b> |
|-----------------------------|-------------------------------|-------------------------------|-------------------------------|-----------------------------|
| <b>Best Scenario</b>        | 4,837                         | 4,637                         | 4,431                         | <b>13,905</b>               |
| <b>Most Likely Scenario</b> | 6,959                         | 6,780                         | 6,596                         | <b>20,335</b>               |
| <b>Worst Scenario</b>       | 9,081                         | 8,881                         | 8,676                         | <b>26,638</b>               |

The future years' savings were predicated on the basis of 0% change to Aggregate External Finance (AEF) alongside a council tax increase of 4.5%. This is on the back of £62.247 million of savings being made between 2012-13 and 2021-22.

- 3.2 At the time the budget was set there was still a large degree of uncertainty around pay and price increases for 2021-22, along with the longer term impact of the Covid-19 pandemic and Brexit on the Council's finances. Assumptions were built into the budget around potential pay awards for teachers and non-teaching staff for 2021-22, which are yet to be finalised. In addition, provisions for price increases were made based on what had been a low inflation year in 2020-21, ranging from 0.3% CPI increase up to 1.0% increase.
- 3.3 The Revenue Budget Outturn 2020-21 Report, which was presented to Council in June 2021, outlined the significant reliance that the Council had placed on additional Welsh Government (WG) grant funding, through the Covid-19 Hardship Fund and other grants to enable it to return a balanced position at year end. This included funding from WG to support the shortfall in council tax income during the year, alongside additional support for council tax payers.
- 3.4 The Statement of Accounts 2020-21 notes a total of £24.643 million of Covid-19 grants received during the financial year to cover additional expenditure on homeless individuals in providing them with accommodation, provision of free school meals (including during school holidays), additional staffing costs along with provisions to support social distancing and learning in schools, and additional costs of providing care and support for voids in Adult Social Care. The amount received also included support for loss of income mainly in respect of the reduction in school meal income and a contribution to the net loss of running the leisure services during the pandemic. Whilst it is anticipated that the majority of these costs will be either one-off or short term, and will reduce as we recover from the pandemic, there will be other cost pressures that will remain into the medium and longer term.
- 3.5 The Welsh Government has allocated £206.6 million in its current budget to the Hardship fund to support local government for the first six months of 2021-22. In relation to support beyond this period, WG have recently confirmed the extension of Covid-cost related support for the adult social care sector up to the end of the current financial year. No further financial support for non-adult social care services is currently in place, which could place additional pressures on the 2021-22 and future years' budgets.

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

- 4.1 The MTFs outlines the principles and detailed assumptions which drive the Council's budget and spending decisions, outlines the financial context in which the Council is operating, and tries to mitigate any financial risks and pressures going forward, at the

same time as taking advantage of any opportunities arising. Given the unprecedented financial and economic situation the Council finds itself in at this time, it is felt that a review of the assumptions underlying the MTFS is warranted, and an updated budget strategy developed.

### **The Economic and Financial Climate**

- 4.2 In the one-year Comprehensive Spending Review (CSR) in November 2020 the Chancellor said that as the restrictions are eased, they expect the economy to start recovering, but that even with growth returning, "our economic output is not expected to return to pre-crisis levels until the fourth quarter of 2022". He also said that the Spending Review would deliver stronger public services with billions in additional funding, including £1.3 billion for Wales. He also announced targeted pay increases for NHS workers and those on low pay, with a pay freeze for most of the rest of the public sector.
- 4.3 Following the CSR the Welsh Government's budget, and therefore provisional local government settlement, was delayed until December 2020. Bridgend received an increase in AEF of 4.3%, compared to an average of 3.8% across Wales in the settlement, which was a much better settlement than had been anticipated. No changes were made to these figures in the final local government settlement announced in March 2021.
- 4.4 In the March 2021 Budget the Chancellor of the Exchequer said his immediate priority continues to be supporting those hardest hit, with extensions to the Job Retention Scheme (JRS) or furlough scheme, self-employed support, business grants, loans and VAT cuts – bringing total fiscal support to over £407 billion. He also set out plans to drive jobs, growth and investment to help the economy rebound. However, at a certain point in time some of these measures will come to an end and the impact will be felt throughout the county borough. The JRS will end at the end of September 2021 and it is envisaged that this will impact negatively on employment rates. In addition, a number of businesses have been supported by business grants and business rates reliefs, which will also come to an end. The potential financial impact of these on the local economy, collection of council tax, council tax support, housing benefits and free school meals levels will need close monitoring and considering as part of the MTFS 2022-2026.

### **2021-22 Budget Position**

- 4.5 When the MTFS 2021-25 was approved in February 2021 it was based on 4.3% increase in AEF, a 3.9% increase in council tax, and included funding of £7.502 million for budget pressures, including for eradicating rough sleeping, demographic growth, additional learning needs and the National Living Wage. These were offset by £1.76 million of budget reductions to balance the budget.
- 4.6 A review of the MTFS scenarios was also undertaken at this time and the funding scenarios improved, taking into account the actual funding levels received over recent years, the worst of which was -0.1% in 2019-20. It was stated that these would continue to be monitored and amended as further fiscal and economic information is made known.
- 4.7 The Council's net budget (currently £298.956 million) is funded from 3 sources:

|                       | £                  | %           |
|-----------------------|--------------------|-------------|
| Revenue Support Grant | 163,404,268        | 54.66       |
| Non Domestic Rates    | 48,787,286         | 16.32       |
| Council Tax Income    | 86,764,691         | 29.02       |
| <b>Total</b>          | <b>298,956,245</b> | <b>100%</b> |

Levels of Revenue Support Grant and Non Domestic Rates are set by Welsh Government so the Council only has control over the level and amount of council tax that is raised. Given that council tax only constitutes approximately 30% of the Council's overall net funding, due to the 'gearing effect' any increase in council tax rate will have a disproportionate impact on the additional funding collected e.g. a 1% increase in council tax will only generate around 0.3% increase in the budget available (equivalent to around £870,000).

- 4.8 The Council also collects council tax on behalf of Town and Community Councils and South Wales Police, and assumes risks of non-collection for those sums of monies too. Consequently a 1% reduction in collection tax collection can equate to around £1 million as it includes not only the BCBC element. For the 2020-21 financial year Welsh Government provided additional grant to meet such shortfalls but no funding has yet been committed for 2021-22 onwards. However, in anticipation of a shortfall in council tax collection during this financial year, when the council tax base was set in November 2020 the assumed collection rate was reduced from 98% to 97.5%.
- 4.9 A report was presented to Cabinet on 20 July 2021 outlining the revenue budget forecast for 2021-22 as at 30 June 2021. The position is a projected overspend of £904,000 which reflects a number of continuing base budget pressures such as Adult Social Care. These will need resolving to ensure that there are not unmet underlying pressures going forward into 2022-23.

### **Key Pressures**

- 4.10 It is clear that there are a number of known key pressures that will need considering as part of the 2022-23 budget strategy, not least:

#### **Pay Awards**

As mentioned in paragraph 3.2 the pay awards for teachers and non-teachers for 2021-22 are still under discussion. The pay award for teachers is out for consultation and is based on 1.75% increase across all grades from September 2021. The pay award for NJC staff is still being considered. Going forward for 2022-23 it is difficult to know what the position will be, with so much uncertainty even in the current year, so an assumption of around 2% is not unreasonable.

In addition, the Council is required to pay the National Living Wage (NLW), and also funds its external commissioned providers to do the same. The increase for 2021-22 was 2.2% but it is currently estimated that this could increase by 3% - 4% in 2022-23 as we move towards the Low Pay Commission target of the NLW reaching two-thirds of median earnings for workers aged 21 and over by 2024.

## Price Inflation

The fallout from the pandemic and Brexit is being manifested in higher prices through inflationary increases. Whilst inflation was low in 2020-21, since the beginning of the year the consumer price index (CPI) annual rate has increased from 0.7% in January 2021 to 2.0% currently (as at July 2021). The Council's Treasury Management advisors, Arlingclose, have stated that while the CPI rate may continue to rise in the coming months, they expect this will moderate towards year end. However, there will still be pressure on costs of goods and services, and contract costs, as we go forward.

## Demographic Pressures

In terms of Bridgend's overall population, indications are that the population will continue to increase over the next 10 to 15 years, from 143,000 in 2020 to 148,000 in 2038. This will place increased pressure on the Council's budget if no additional funding is provided, particularly in terms of school places, adult social care, infrastructure and transportation. However, whether or not this will attract additional funding will depend on population growth across Wales as a whole.

In addition, Office for National Statistics data shows that between 2018 and 2048, the proportion of the UK population aged over 80 is set to increase from 6% in 2018 to 11% in 2048, and the proportion of the population aged 20-59 will fall from 51% in 2018 to 46% in 2048. The fact that people live longer is a very positive development, but it does mean that the nature of demand for some public services will change. Also, the decline in the working age population potentially affects the tax base in Wales.

## Budget Strategy 2022-23

- 4.11 The MTFs approved in February 2021 was based on the Most Likely scenario of 0% change to AEF and 4.5% council tax increase. Since then discussions with Cabinet and Corporate Management Board (CCMB) have centred around seeking the right balance in assumptions going forward on likely increases to AEF, what is a realistic level of savings targets given the historical level of savings made, level of funding required to meet unavoidable budget pressures, and subsequent required council tax increases to balance the budget.
- 4.12 A review of provisions set aside for pay, prices and pressures has been undertaken, along with an analysis of different scenarios in respect of changes to AEF and council tax increases, and the outcome is as follows:

|             | AEF change | Council Tax change |       |       |       |       |       |       |       |
|-------------|------------|--------------------|-------|-------|-------|-------|-------|-------|-------|
|             |            | +0%                | +0.5% | +1%   | +2%   | +3%   | +3.5% | +4%   | +4.5% |
|             |            | £000               | £000  | £000  | £000  | £000  | £000  | £000  | £000  |
| Best        | +3%        | 3,535              | 3,101 | 2,667 | 1,799 | 932   | 498   | 64    | -370  |
| Most Likely | +2%        | 5,657              | 5,223 | 4,789 | 3,921 | 3,054 | 2,620 | 2,186 | 1,752 |
| Worst       | +1%        | 7,779              | 7,345 | 6,911 | 6,043 | 5,176 | 4,742 | 4,308 | 3,874 |
| Cash Flat   | 0%         | 9,900              | 9,466 | 9,032 | 8,164 | 7,297 | 6,863 | 6,429 | 5,995 |

A lower council tax increase will result in an increase to the level of savings to be made, but would be offset (partly or in full) by an increase in AEF.

- 4.13 CCMB currently feel that an increase in AEF of 2% by Welsh Government is prudent. Given the scenarios set out in the table above this would result in the following savings targets for different levels of council tax increase:

| <b>Council Tax Increase</b> | <b>Savings Target<br/>£000</b> |
|-----------------------------|--------------------------------|
| +1%                         | 4,789                          |
| +2%                         | 3,921                          |
| +3%                         | 3,054                          |
| +4%                         | 2,186                          |

For example, if the intention is for a 3% increase in council tax, then savings of £3.054 million would still be required. Every effort will be made to minimise council tax increases and mitigate savings requirements, but this will ultimately depend on the settlement received from Welsh Government. Should the settlement be higher than a 2% increase then these will be able to be mitigated in part or in full. An additional increase in funding from Welsh Government of 1% would generate an additional £2.1 million. Conversely, a settlement lower than 2% could result in an increased savings requirement or council tax.

- 4.14 Currently very few budget reduction proposals have been put forward by Directorates so there is a risk of not being able to set a balanced budget in February 2022, so work will continue, with support and input from the Budget Research and Evaluation Panel (BREP), to bring together budget reduction proposals for consideration and consultation on over the remainder of the financial year.
- 4.15 The Council has recently received a report on its financial sustainability from Audit Wales. The conclusion from Audit Wales was that the Council has maintained a strong financial position during the pandemic and that there are no apparent risks to the Council's financial sustainability. However, they also say that the immediate impact on the Council's financial sustainability was mitigated by Welsh Government funding, which we know will not continue indefinitely, and that while the Council has a track record of delivering the majority of its in-year planned savings, like other Councils going forward, identifying and delivering future savings will be more challenging. As a general comment they did indicate that Councils that show a pattern of unplanned use of reserves to plug gaps in their revenue budget that result in reductions of reserve balances reduce their resilience to fund unforeseen budget pressures in future years.

### **Budget Consultation**

- 4.16 Following on from the Budget Consultation 2020, which focussed on recovery and access to services, we anticipate that this year's consultation will focus on similar themes, with the aim to find out which services are most important to our residents, where they see the priorities for the future and where they would like to see investment opportunities.
- 4.17 Like last year we will need to adapt to the limited face to face interactions that Covid-19 and social distancing presents, therefore the budget consultation will be pre-launched on social media prior to the live survey date. The public consultation is expected to go live on 20 September 2021 and close on 14 November 2021, with the outcome of the consultation reported to Cabinet on 14 December 2021. Consultation will also take place with scrutiny committees, the School Budget Forum and business



rate payers prior to the budget being presented to Council for approval in February 2022.

### **Capital Programme**

- 4.18 The Council sets a 10 year rolling capital programme, which is updated and reported to Council for approval on a quarterly basis. The capital programme is based on the framework set out in the Council's Capital Strategy, which is approved annually by Council alongside the MTFS.
- 4.19 A report was presented to Council in June 2021 outlining a range of new capital schemes to be funded from Bridgend County Borough Council (BCBC) resources, including capital receipts and revenue contributions from earmarked reserves that were established at the end of 2020-21 from year end underspends. The schemes identified were part of an investment proposal to help accelerate the recovery of the County Borough from Covid-19 and to support its residents. These included grants to support businesses, apprentice and graduate schemes, wider regeneration investment highways maintenance, decarbonisation and active travel schemes.
- 4.20 The capital programme will be updated for new schemes in line with the regular reporting cycle. The Council's disposal strategy has been successful in recent years, with total receipts generated from the enhanced disposal programme between 2014 and 2020 of £21.36 million. A significant amount of this funding was used to match fund the Welsh Government 21<sup>st</sup> Century Schools Band A Programme, as well as funding a range of other capital schemes, including a number of regeneration schemes and the Depot Rationalisation Programme. Consequently the availability of capital receipts is very much reduced, meaning the Council will either have to use the limited capital funding it receives from WG, already established earmarked reserves (most of which are committed to specific schemes), or borrowing, to fund new schemes, where allowable. However, borrowing has long term financial consequences and will result in a cost pressure to the Council's revenue budget. The affordability of any repayment costs needs to be considered over the life of the borrowing (usually 25-30 years), especially given the challenges facing the budget overall and the potential level of savings already required.
- 4.21 In order to advance some schemes the Council will also continue to seek to secure external grant funding towards schemes where possible, to reduce the impact on in-house budgets.

### **Budget Timetable**

- 4.22 Welsh Government has indicated that the announcement of its draft budget, and subsequently the provisional local government settlement for 2022-23 is likely to, once again, be approximately two months later than usual, due to fact that the outcome of the Comprehensive Spending Review by the UK government is not likely to be until later in the year. This will mean that the final budget for 2022-23 is likely to be based on the provisional local government settlement as has happened in the last two years. The likely budget timetable is as follows:

| Date            | Action   |
|-----------------|--|
| Sept – Nov 2021 | <ul style="list-style-type: none"><li>• CCMB to firm up budget proposals – budget reductions, budget pressures</li><li>• Public Budget Consultation period</li></ul> |

|               |   |
|---------------|---|
| November 2021 | <ul style="list-style-type: none"> <li>• Council Tax base approved by Council</li> </ul>  |
| December 2021 | <ul style="list-style-type: none"> <li>• Report to Cabinet on Budget Consultation</li> <li>• Welsh Government Draft Budget</li> <li>• Provisional Local Government Settlement</li> </ul>  |
| January 2022  | <ul style="list-style-type: none"> <li>• Report to Cabinet on Draft MTFS 2022-2026</li> <li>• Scrutiny Committees consideration of MTFS</li> </ul>  |
| February 2022 | <ul style="list-style-type: none"> <li>• Corporate Overview and Scrutiny Committee makes recommendations to Cabinet</li> <li>• Final MTFS 2022-2026 presented to Cabinet and Council based on provisional settlement alongside the Corporate Plan, Capital Strategy and Treasury Management Strategy</li> </ul> |
| March 2022    | <ul style="list-style-type: none"> <li>• Final Welsh Government Budget</li> <li>• Final Local Government Settlement</li> </ul>  |

4.23 In addition, during the period September 2021 to January 2022, the BREP will meet with key officers to discuss the budget proposals and make recommendations to support Cabinet in shaping the budget.

## **5. Effect on policy framework and procedure rules**

5.1 The budget setting process is outlined within the Council's Constitution and Financial Procedure Rules.

## **6. Equality Act 2010 implications**

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

6.2 A high level Equality Impact Assessment (EIA) will be undertaken on the Council's budget proposals going forward and individual EIAs will be completed for 2022-23 proposed budget reduction proposals which may impact on certain groups of citizens within the County Borough.

## **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. As the report is for information 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 The financial implications are mostly set out in the body of the report. The Section 151 officer has statutory duties in relation to the financial administration and stewardship of the authority. This includes reporting to members on the overall budget performance

and recommending corrective action where appropriate, providing financial information and preparing the revenue budget and capital programme and reporting to full Council on the robustness of the estimates and the adequacy of reserves.

- 8.2 The level of Council reserves is sufficient to protect the Council in light of unknown demands or emergencies and current funding levels. It must be emphasised that the biggest financial risks the Council is exposed to at the present time relate to the uncertainty of Welsh Government funding, including longer term funding to mitigate the effects of Covid-19, the increasing difficulty in the delivery of planned budget reductions as well as the identification of further proposals. Therefore, it is imperative that the Council Fund balance is managed in accordance with the MTFS Principle 9, as set out in the MTFS, and it is essential that revenue service expenditure and capital expenditure is contained within the identified budgets.

## **9. Recommendation**

- 9.1 Cabinet is asked to note the report on the updated MTFS 2022-23 to 2025-26.

**Gill Lewis CPFA**  
**INTERIM CHIEF OFFICER – FINANCE, PERFORMANCE AND CHANGE**  
**September 2021**

**Contact Officer:** Deborah Exton CPFA  
Deputy Head of Finance

**Telephone:** 01656 643604

**Email:** [deborah.exton@bridgend.gov.uk](mailto:deborah.exton@bridgend.gov.uk)

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

**Background Documents:** Final Local Government Revenue and Capital Settlements  
2021-22

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14 SEPTEMBER 2021

#### REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

#### SUBSTANCE MISUSE SERVICE PROVISION IN BRIDGEND COUNTY BOROUGH

##### 1. Purpose of report

1.1 The purpose of this report is to:

- provide an update of the work to transition substance misuse services from the former Western Bay Area Planning Board into Cwm Taf Morgannwg Area Planning Board;
- seek approval for Rhondda Cynon Taf County Borough Council, (RCTCBC) to undertake the procurement exercise on behalf of Bridgend County Borough Council (BCBC) to commission an integrated service provider for Tier 1 and 2 substance misuse service provision in Bridgend County Borough. This will be undertaken in accordance with rule 3.1.5 of the Council's Contract Procedure Rules. Approval to award the service contract will be sought via delegated powers (under the Council's Scheme of Delegation) once the procurement and evaluation process has been undertaken;
- seek approval to enter into a regional collaboration agreement with RCTCBC to set out the responsibilities of each Authority for the initial procurement process and subsequent management of the service contract; and
- delegate authority for the Corporate Director Social Services and Wellbeing, in consultation with the Interim Head of Finance and Section 151 Officer and Chief Officer - Legal, HR and Regulatory Services, to agree the terms of and enter into the regional collaboration agreement.

##### 2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

### 3. Background

3.1 Area Planning Boards (APB) were set up by Welsh Government in 2010 to provide a regional framework to:

- Strengthen partnership working and strategic leadership in the delivery of the substance misuse strategy;
- Enhance and improve the key functions of planning, commissioning and performance management.

3.2 The Cwm Taf Morgannwg APB is a multi-agency Board which includes representation from:

- Bridgend, Merthyr and Rhondda Cynon Taf Local Authorities
- Cwm Taf Morgannwg University Health Board (CTMUHB)
- Cwm Taf Morgannwg UHB Public Health Team
- Police and Crime Commissioners Office
- South Wales Police
- Welsh Government
- Her Majesty's Prison and Probation Service (HMPPS)

The APB is accountable to the Public Services Board in respect of all its activities.

3.3 In Cwm Taf Morgannwg (CTM) most substance misuse services are funded through two Welsh Government funding streams:

- The Substance Misuse Action Fund (SMAF): £4M;
- The Local Health Board ring-fenced substance misuse allocation: £3.5M.

3.4 RCTCBC is the nominated banker and grant recipient for the Substance Misuse Action Fund (SMAF) allocation on behalf of the APB area and administers the grant in accordance with the terms and conditions of the funding and the agreement of the responsible authorities within the APB membership. RCTCBC employs a small commissioning team to engage with partners to coordinate the required functions of the APB. The team is managed by a Substance Misuse Lead Officer.

3.5 It is important to note the work of the role of RCTCBC as the banker of the grant; however, any work undertaken across CTM will be in collaboration with respective partners. It is imperative that all functions in the Bridgend area, including recommissioning, will be carried out with the full cooperation and representation of key partners and stakeholders in Bridgend.

3.6 All services currently commissioned for substance misuse within CTM fall within a 4-tier conceptual framework, which refers to the level of intervention provided:

- **Tier 1:** Consists of a range of drug-related interventions that can be provided by generic providers, depending on their competence and partnership arrangements with specialised substance misuse services;

- **Tier 2:** Interventions are provided by specialist substance misuse providers and include a range of harm reduction interventions, and interventions that engage, retain, and support people in treatment. Support for families and concerned others are also considered to be tier 2 interventions;
  - **Tier 3:** Specialist provisions including all clinical functions, substitute prescribing programmes and community detoxification.
  - **Tier 4:** Services provide substance misuse inpatient detoxification and residential rehabilitation programmes.
- 3.7 In 2016 as part of a process of modernisation to respond to changes in legislation and service user need, the Cwm Taf APB commissioned consultants, Health and Social Research (HSR), to carry out a review of substance misuse service provision in RCTCBC and Merthyr Tydfil, and to develop a model of service. The aim was ensuring a cohesive whole system approach with equitable and accessible services across the area. Following a procurement process, the new integrated service commenced in RCT and Merthyr Tydfil on 1<sup>st</sup> April 2019.
- 3.8 In April 2019 as part of the Health Board boundary change, BCBC moved from the former Abertawe Bro Morgannwg University Health Board and Western Bay area into Cwm Taf to form part of the new Cwm Taf Morgannwg area with Merthyr and RCT CBC's, and with that move BCBC became a member of the CTM APB.
- 3.9 CTM APB convened a multi-agency Bridgend Development subgroup to manage the transition of services from Western Bay to Cwm Taf Morgannwg and to develop Substance Misuse services in Bridgend that align with the current integrated service in RCT and Merthyr Tydfil CBC'S.
- 3.10 Prior to the boundary change, the former Western Bay APB had already embarked on a process for reviewing service provision and had also appointed consultants; HSR, to carry out this review. Upon notification of the boundary change, HSR were asked to carry out a needs assessment specifically for the Bridgend area to:
- Review substance use services in Bridgend;
  - Undertake a needs assessment to identify:
    - What works well in Bridgend substance use treatment services;
    - Unmet need;
    - Gaps in service provision;
    - Enablers and blocks to treatment pathways.
- 3.11 A number of sources were used to gather information for the assessment of needs including from, service users and concerned others, local authority staff, representatives of the APB, staff from substance misuse treatment and support provision as key partners.
- 3.12 The findings and recommendations from this review, together with information from quarterly contract monitoring exercises and recent consultation exercises with providers and service users, will be used to inform the requirements for future service provision in Bridgend.
- 3.13 The Bridgend Development Group has now commenced the process for the recommissioning of Tiers 1 and 2 substance misuse Service Provision in Bridgend. Services.

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

- 4.1 Since 2015, service provision in the Bridgend area has been provided through an integrated service called “Newid”, which is a collaboration between the Health Board, Adferiad and Plattform. It has become evident from the transition work undertaken to date and the quarterly monitoring exercises that, as well as areas of good practice, there are some areas that require improvement. These include access into services and harm reduction initiatives. Interim measures have been agreed to improve in the short term; including the development of a new family and concerned others support and outreach service, and a single point of access service.
- 4.2 In line with the recommendations of the HSR review in Bridgend, the Cwm Taf integrated service model (as implemented in Merthyr and RCT) will be utilised in Bridgend to provide a suite of essential services which will:
- Be aligned to current service provision in the Region;
  - Provide consistent services across the Cwm Taf Morgannwg area.
  - Improve access into services promoting the “right time right service” approach
  - Address areas of current unmet need.
  - Allow for flexibility within the contract to enable the moving of resources to address changes in service need and demand.
  - Strengthen service user involvement and participation
- 4.3 Tier 3 services will be commissioned and provided by Cwm Taf Morgannwg University Health Board. Tier 1 and 2 treatment and support services currently provided by Adferiad and Plattform will be recommissioned and a new integrated service with one provider appointed.
- 4.4 The development of the procurement process commenced in March 2021. It is anticipated that the tender will be ready to be published on 1st October 2021 with the new service scheduled to commence on 1<sup>st</sup> April 2022. It is proposed that a contract be awarded for two years with an option to extend for a further one plus one year to coincide with the Cwm Taf contract.
- 4.5 To ensure that the service is procured in line with the existing Cwm Taf integrated service model it is proposed that RCTCBC, as nominated banker and grant recipient for the SMAF, and employer of the regional commissioning team for the APB, will undertake the procurement process through the regional commissioning team. BCBC Procurement colleagues will be included in discussions to ensure compliance with BCBC requirements. The Bridgend Development Group has overseen all development work and quarterly updates will be provided to the APB who are also cited on key decisions. The new service will be fully compliant with the Welsh Government Service Delivery Plan 2019-22 and the requirements of the Substance Misuse Action Fund Grant.
- 4.6 The Bridgend CBC Youth Forum is assisting with the procurement process to develop specific tender questions relating to Children and Young People. The group will also be part of the evaluation and scoring of these questions.



- 4.7 It is proposed that a collaboration agreement be negotiated and agreed between BCBC and RCTCBC to govern their respective roles and responsibilities during the procurement process and setting out how the parties will collaborate to oversee the delivery of the service.
- 4.8 BCBC, CTMUHB and the new provider will work in partnership with the APB to contribute towards the following overarching outcomes:
- Reduce problematic substance misuse and dependency in our population;
  - Enable early detection and support of individuals who are misusing substances;
  - Provide high quality, evidence-based treatment and support according to service user need;
  - Support service users to sustain long term recovery.
- 4.9 The new service will comprise of the following interconnecting components:
- A prevention and early identification/intervention service;
  - A single Point of Entry;
  - A children and young people's service including transition services for vulnerable individuals between the ages of 18-25;
  - Low intensity intervention/treatment and support;
  - Sustained recovery;
  - Specialist service pathway;
  - Shared care services.
- 4.10 Providers will work to the following principles:
- Evidence based practice including psychologically informed treatments and interventions.
  - Collection and collation of data to understand demand and manage trends.
  - A process of continuous improvement based on research and best practice to improve outcomes for service users and staff.
  - A prudent healthcare approach including prioritising treatment for those with greatest need helping to make the most effective use of skills and resources;
  - Person centred care recovery, building on people's strengths combined with a holistic approach based on an effective working relationship between service user and therapist, focused on harm reduction approaches, non-judgemental and non-discriminatory practice;
  - Accessible points of entry, equity of access and a standardised approach across BCBC, Merthyr and RCT CBC's;
  - Commitment to service user involvement, working alongside service users as equal partners sharing power and responsibility;
  - Partnership working, integration and collaboration between all parts of the service, good communication and clear pathways into Mental Health, Housing, Community, Children Services and the Criminal Justice system;
  - Greater emphasis on prevention and early identification including universal and targeted education and advice.
  - Assertive outreach to include proactively engaging with "hard to reach" groups and communities;
  - Outcome focused practice with a clear evaluation framework.

- 4.11 The implementation of the components highlighted above which will be underpinned by working to these principles, is designed, not only to address the areas where the need for improvements has been identified, but to put in place a new integrated model of service which is person centred and focussed on improved outcomes for the people who use the service. The new service will also provide a consistent approach to the provision of substance misuse services across the Cwm Taf region.
- 4.12 In order to involve people who have experience of using substance misuse services and enable them to have a voice in the work of the APB and the Bridgend Development Group Adferiad are currently commissioned to support a service user involvement group in Bridgend. This group enables service users to express their views on the provision of substance misuse services and comment on the work of the APB and Bridgend Development Group. There are similar groups in other parts of the Cwm Taf region which also feed into the APB arrangements. The work will be strengthened under the new integrated contract requirements.
- 4.13 The APB Commissioning team will work closely with the commissioned provider, BCBC and Cwm Taf Morgannwg University Health Board throughout the implementation phase.

## **5. Effect upon policy framework and procedure rules**

- 5.1 There is no effect on the Policy Framework and Procedure Rules as a result of the recommissioning exercise to be undertaken by the ABP regional commissioning team employed by RCTCBC. Rule 3.1.5 of the Council's Contract Procedure Rules (CPRs) provides an exemption from the requirements of the Council's CPRs where goods, services and works are procured by another public body on behalf of the Council. In such instances, and subject to compliance with procurement law, the procuring public body's procurement / contract procedure rules will apply.

## **6. Equality Act 2010 implications**

- 6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

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

- 7.1 By taking steps to shift the focus of approach from treatment to prevention, and focussing on improving the health and wellbeing of individuals and families, we are supporting the delivery of the Governments wellbeing objectives in "*Prosperity for all: The National strategy*".
- 7.2 The links to the Welsh Government "*A Healthier Wales, our Plan for Health and Social Care*" can be evidenced in the partnership working arrangements between Health, Social Care and other agencies to provide a holistic care and treatment plan for service users. The integrated service is person centred, with a public health approach, an emphasis on harm reduction, prevention and treatment, and sustained recovery.

- 7.3 The Welsh Government National Substance Misuse Delivery Plan and the CTM Local Delivery Plan aligns to 5 ways of working in the *Wellbeing of Future Generation Act 2015*. Throughout the priorities and commitments in the plans, there is a focus on having a **long-term** impact on individuals and families, **prevention** of substance misuse is a key priority throughout the plan. Effective working requires **collaboration, involvement and integration**, which are evident throughout the actions in the plans.

These principles and priorities are replicated in the service specification for the integrated service.

## 8. Financial implications

- 8.1 Substance misuse services are financed through two Welsh Government funding streams:

- The Substance Misuse Action Fund (SMAF): **£4M; (Annual) - £1,038,982 is allocated specifically for the Bridgend area**  
The Local Health Board ring-fenced substance misuse allocation: **£3.5M (Annual)**
- BCBC currently provides an annual partner contribution of £139,189 which has been confirmed as a future commitment, therefore there is no additional financial implication for the Council.
- The annual allocation for Tier 1 and 2 services that are subject to the procurement exercise is set at £467,055. Tenderers will be notified of this budget and asked to submit proposals that maximise their service delivery based on this funding.

## 9. Recommendations

- 9.1 It is recommended that Cabinet:

- note the work that has been undertaken to transition substance misuse services from the former Western Bay APB to the Cwm Taf Morgannwg APB;
- approve RCTCBC to undertake the procurement exercise to commission the integrated service provider for Tier 1 and 2 substance misuse service provision in Bridgend County Borough in accordance rule 3.1.5 of the Council's Contract Procedure Rules, with approval to award the service contract via delegated powers (under BCBC's Scheme of Delegation) once the procurement and evaluation process has been undertaken; and
- approve BCBC entering into a regional collaboration agreement with RCTCBC to set out the responsibilities of each Local Authority for the initial procurement process and contract management of the service contract.
- to delegate authority to the Corporate Director Social Services and Wellbeing, in consultation with the Interim Head of Finance and Section 151 Officer and Chief Officer - Legal, HR and Regulatory Services, to agree the terms of and enter into the regional collaboration agreement and any documents or deeds ancillary to that agreement.

**Claire Marchant**  
**Corporate Director – Social Services and Wellbeing**  
**September 2021**

**Contact Officer:** Jackie Davies  
Head of Adult Social Care  
**Telephone:** (01656) 642121  
**E-mail:** [jacqueline.davies@bridgend.gov.uk](mailto:jacqueline.davies@bridgend.gov.uk)  
**Postal Address** Bridgend County Borough Council, Civic Offices, Bridgend,  
CF31 4WR

**Contact Officer:** Ceri Ford  
Lead Officer for the CTM APB  
**Telephone:** (01443) 425612  
**E-mail:** [Ceri.A.Ford@rctcbc.gov.uk](mailto:Ceri.A.Ford@rctcbc.gov.uk)  
**Postal Address** Rhondda Cynon Taf County Borough Council, Ty Elai,  
Williamstown, CF40 1NY

**Background documents:**

None.

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14 SEPTEMBER 2021

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### TRANSFORMING TOWNS (TT) PROGRAMME IMPLEMENTATION 2021-2022

#### 1. Purpose of report

- 1.1 The purpose of this report is to provide an update on the former Targeted Regeneration Investment (TRI) programme and seek approval from Cabinet to progress TRI's successor programme - Transforming Towns (TT) within the County Borough.

#### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great 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 for all people in the county borough.
- **Helping people and communities to be more healthy and resilient** – taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 Welsh Government's (WG) TT programme is an extension of the 2018-2021 TRI Programme and takes a wider approach to regeneration by allowing Local Authorities to widen their boundary areas and the interventions it can support and undertake. Importantly, it continues the ambitions of the Well-being of Future Generations (Wales) Act 2015 and the priorities identified in Local Well-being Plans and other local and regional plans for enhancing economic regeneration and community well-being.

- 3.2 To date the Regeneration team has secured circa £2.7 million via the TRI programme to support the following projects:

| TRI Grant Element  | Project   | Applicant / Match Funder         | Status         |
|--|---|----------------------------------|----------------|
| Strategic  | 11 Nolton Street:<br>Construction of the ground floor                   | Coastal Housing Group            | Complete       |
| Strategic  | Acquisition and Demolition of the police station site at Cheapside      | BCBC                             | Ongoing-via TT |
| Thematic Urban Centre Property Enhancement / Living Grants (UCPEF /UCLG) | 27 Caroline Street, Bridgend (Adventure Rooms)                          | Private Landowner                | Complete       |
|  | 2 Station Hill, Bridgend (Racoon Hair)                                  | Private Landowner                | Complete       |
|  | 67 Nolton Street, Bridgend  | Private Landowner                | Complete       |
|  | 11 Nolton Street, Bridgend (La Cocina and Rye and Cane)                 | Leaseholder                      | Complete       |
|  | 38-40 Commercial Street, Maesteg (Former Family Value Building)         | Private Landowner                | Ongoing via TT |
|  | 15 Talbot Street, Maesteg (Former Natwest Building)                     | Private Landowner                | Ongoing via TT |
|  | 24 Talbot Street, Maesteg (Talbot Dental Practice)                      | Private Landowner                | Ongoing via TT |
|  | Coity Castle Pub, Bridgend  | Private Landowner                | Ongoing via TT |
|  | 5 Dunraven Place, Bridgend  | Private Landowner                | Ongoing via TT |
| Covid Outdoor Improvements Grant   | 17 Properties supported in Bridgend, Maesteg and Porthcawl Town Centres | Private landlords / leaseholders | Complete       |
| Green Infrastructure   | Maesteg Town Centre: Commercial Street                                  | BCBC                             | Ongoing-via TT |
| Green Infrastructure   | Sunnyside Re-development project  | Linc Cymru                       | Ongoing-via TT |
| Development Funding  | Bridgend Town Centre Masterplan   | BCBC                             | Complete       |
| Revenue Funding  | Town Centre management projects   | BCBC                             | Complete       |

Regeneration officers are working with several landowners / leaseholders within the county boroughs 3 town centres with the aim of supporting projects through the TT programme going forward.

- 3.3 The TT programme is intended to run initially until March 2022, with possible extension, and will look to invest in projects which can deliver realistic economic and community outcomes. Bridgend County Borough Council (BCBC) will be looking to deliver these outcomes over the 2021-2022 financial year.

- 3.4 In June 2019 Cabinet approved the implementation of the TRI programme in Bridgend. WG has encouraged an extension to the regional approach to TT regeneration, in line with the SLA put in place via the TRI programme, thus, taking opportunities to work with partner authorities and agencies to deliver more targeted, localised projects. Under the TRI programme BCBC forms part of the South East region together with Blaenau Gwent County Borough Council, Caerphilly County Borough Council, Cardiff Council, Merthyr Tydfil County Borough Council, Monmouthshire County Council, Newport City Council, Torfaen County Borough Council, Vale of Glamorgan County Borough Council and Rhondda Cynon Taff County Borough Council.
- 3.5 BCBC Project Board with representatives from Regeneration, Legal, Finance and Planning, with supporting work stream groups, was established at the beginning of the TRI programme and this is proposed to continue throughout the TT programme.

#### **4. Current Situation/proposal**

##### **4.1 Transforming Towns: Strategic Projects**

- 4.1.1 BCBC has been successful at securing £910,000 from the TT programme 2021-22, for the acquisition and demolition of the police station site at Cheapside. Officers are working in partnership with the Police and Bridgend College to progress the proposals for the site.

##### **4.2 Transforming Towns: Place Making Grant**

- 4.2.1 BCBC will continue to deliver the thematic projects in order to continue supporting project pipelines developed through the TRI Thematic 2018-21 scheme which require completion, whilst recognizing the additional eligible activity included in the TT Place Making Grant 2021-22.

Rhondda Cynon Taf CBC (RCT) will act as the lead body and will report to the Welsh Government and the South East Wales Regional Regeneration Board, which will comprise the Cardiff Capital Region Regeneration Board. RCT's Terms & Conditions etc will be devolved to the other Local Authorities via a Service Level Agreement.

The Senior Responsible Officer will be RCT's Regeneration Manager; the delivery team being RCT's Regeneration Team, supported by the Corporate Finance Team.

A hybrid offer of interventions under the TT programme will allow the Authority to maximize support for revitalizing our town centres by addressing the following shared issues:

- Dealing with vacant premises
- Addressing poor quality retail premises
- A need to increase footfall
- Creating flexible, modern, affordable floor space for business growth and support
- Supporting tourism
- Increasing housing and urban living opportunities
- Community facilities for co-location of key services

- Public realm and essential enabling infrastructure
- Provision of Green infrastructure and Biodiversity in town centres
- Furthering of the 'digital towns' agenda
- Supporting active travel routes

For BCBC it is proposed to include the county boroughs three Town Centres of Bridgend, Maesteg and Porthcawl.

An operational group will be established to oversee the operation of the TT service level agreement. The operational group will meet at regular intervals (at least on a quarterly basis) to review projects, share information and best practice, share progress, resolve joint issues and escalate serious risks. Each authority will be entitled to vote on decisions within the operation group's remit and such decisions will be decided by a simple majority of the members of the operational group present. It is proposed that the Principal Regeneration Officer be appointed as BCBC partner representative on the TT operational group.

#### 4.3 Transforming Towns: Business Fund

4.3.1 BCBC has been successful at securing £1,166,000 to be shared with the other South East Local Authorities in 2021-22 to bring projects under the following headings to fruition within the Town Centres:

- Meanwhile Projects
- Events and Marketing
- Digital Support

#### 4.4 Grant Finances

##### 4.4.1 Transforming Towns: Strategic Projects

##### 4.4.2 Police Station Site (Cheapside):

Led by BCBC in collaboration with Bridgend College, a TT funding award was approved to the value of £910,000 for the acquisition and demolition of the Police Station site within Bridgend Town Centre.

4.4.3 Regeneration officers are working with landowners to progress other strategic projects within the Town Centre that may be eligible for TT funding, however no formal applications have been submitted due to the early stage of project development and discussion.

#### 4.5 Transforming Towns: Place Making Projects

4.5.1 An award of funding has been secured from Welsh Government to the South East Local Authorities to support TT Place Making projects by March 2022 to the value of £5,540,000. There is not an equal financial split across the 10 Local Authorities. Local Authorities are to bid into the funding when projects are ready to go.

#### 4.6 Transforming Towns: Business Fund

4.6.1 An award of funding has been secured from Welsh Government to the South East



Local Authorities to support TT Business Fund projects by March 2022 to the value of £1,166,000. There is not an equal financial split across the 10 Local Authorities. Local Authorities are to bid into the funding when projects are ready to go.

#### **4.7. Risks and issues**

There are a number of risks and issues which Cabinet need to be aware of in deciding whether to continue with the programme. Many of these are common to all local authorities who have submitted successful bids, but nonetheless, in the present local government financial context, these must be fully understood.

- Place Making and Business Fund: There is not a set amount allocated to each South East Local Authority. As such projects will only be awarded when ready to go and if funding is available. Robust monitoring by both BCBC and RCT officers is required. Any cost to grant applicants until grant is awarded is at their own risk.
- Due to the nature of the projects and the various potential eligible elements that the grant could offer, we cannot fully assess the costs of each individual property improvement until we have received the breakdown of intended works. As such the spending profile may be subject to change along with the outputs/outcomes. There is a risk of cost overrun on some projects, and a risk that we will be unable to claim the required amounts from WG to cover costs this financial year.
- There may be insufficient take up of grants. Officers will be actively marketing this project and will be canvassing all eligible properties within the town centre. For properties that are vacant, land registry searches will be undertaken and the landowners will be contacted directly.
- There is a risk that the defrayment evidence required for the release of grant monies is not forthcoming or correct from third party grant recipients. If BCBC are not satisfied with the evidence received then the grant will not be paid. To avoid this, regular liaison with grant recipients is required to ensure that all parties are aware of their obligations.

#### **4.8 Next Steps**

4.8.1 Cabinet will need to consider the above proposals and determine whether to approve its implementation within the County Borough. If the decision is made to proceed, the next step is for BCBC to:

- Sign the revised SLA agreement with RCT and begin approval and dissemination of grants to applicants for the place making projects.
- Allow the award of grant to other parties as part of strategic and business fund projects.

#### **5. Effect upon policy framework and procedure rules**

5.1 There is no direct impact on the Council's policy framework and procedure rules.

## 6. Equality Act 2010 implications

6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

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

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment is annexed to the report. A summary of the key elements are as follows:

- Long Term: The regeneration planned for Bridgend's Town Centres as part of the TT programme will drive local prosperity, providing local employment opportunities and offering better environments to promote the health and wellbeing of those who live, work and visit town centres in the long term.
- Prevention: By improving the commercial, office and residential developments in the town centres it will strengthen the existing economic assets while diversifying its economic base. Converting unused or underutilized commercial space into economically productive property also helps boost the profitability of the district
- Integration: The TT programme will focus on delivering a set of physical, commercial and social improvements through re-developing vacant, poor quality, under used or derelict building and premises. This will generate employment opportunities; provide prominent and suitable locations for commercial and retail use and sustain local shopping areas, increase town centre footfall and make available suitable town centre housing.
- Collaboration: The project will allow property owners, lessees and RSL's to access funding which will allow them to tackle poor quality and unattractive properties; offering these properties a new lease of life and therefore enhancing the physical appearance of the shopping offer, streetscape and public realm.
- Involvement: Investing in a community offers a means to connect with local stakeholders. Strong, resilient communities will reinforce the regional and Welsh culture which is a key feature in promoting visits and tourists to the area.

## 8. Financial Implications

8.1 Welsh Government have awarded the following the following grants for spend in 2021-2022:

| Transforming Towns Elements | Projects                                    | WG Funding | Comments                |
|-----------------------------|---|------------|-------------------------|
| Strategic Projects          | Police Station Site (Cheapside) Acquisition | £910,000   | Full WG Funding secured |

|                       |  |            |   |
|-----------------------|--|------------|---|
|                       | and Demolition:                                    |            |   |
| Place Making Projects | Various Bridgend, Porthcawl & Maesteg Town Centres | £5,540,000 | WG funding to be shared between the 10 South East Local Authorities |
| Business Fund         | Various Bridgend, Porthcawl & Maesteg Town Centres | £1,166,000 | WG funding to be shared between the 10 South East Local Authorities |

- 8.2 BCBC, private and third sector will be match funding into the above grant streams.
- 8.3 Match funding for grant for all TT projects will be signed off by the Chief Finance Officer under the grants policy.

## 9. Recommendations

Cabinet is recommended to:

- 9.1 Approve the outline proposals for the delivery of TT in Bridgend town centres, as set out in section 4 of the report.
- 9.2 Note and accept the risks and issues highlighted in paragraph 4.7.
- 9.3 Authorise the Chief Finance Officer to accept the TRI grant on behalf of the Authority.
- 9.4 Delegate authority to the Director of Communities, in consultation with the Interim Chief Officer – Finance, Performance and Change and Chief Officer - Legal, HR and Regulatory Services, to:
- 9.4.1 negotiate and enter into the revised service level agreement with Rhondda Cynon Taff; and
- 9.4.2 approve any extension or amendment to the service level agreement and to enter into any further deeds and documents which are ancillary to service level agreement.
- 9.5 Delegate authority to the Group Manager, Regeneration, to award the TT place making and Business Grants.
- 9.6 Approve the appointment of the Principal Regeneration Officer to sit as BCBC partner representative on the TT operational group.

**Janine Nightingale**  
**CORPORATE DIRECTOR - COMMUNITIES**  
**11<sup>th</sup> August 2021**

**Contact Officer:** Laura Willcox, Principal Regeneration Officer

**Telephone:** (01656) 815203

**E-mail:** Laura.Willcox@Bridgend.gov.uk

**Postal Address:** Bridgend County Borough Council, Communities Directorate, Angel Street, Bridgend, CF31 4WB

**Background documents:**

1. Transforming Towns Programme South ST Wales Place Making Grant- Award of Funding Letter
2. Targeted Regeneration Investment Programme implementation – 18<sup>th</sup> June 2019 Cabinet Report

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14<sup>th</sup> SEPTEMBER 2021

### REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

#### SMALL BUSINESS RESEARCH INITIATIVE CONTRACT NOVATION

##### 1. Purpose of Report.

1.1 The purpose of this report is to seek Cabinet approval to waive the council's Contract Procedure Rules in accordance with CPR 3.2.9.4 in respect of the contract with PassivSystems Limited for Phase 2 for the Small Business Research Initiative and to enter into a Deed of Novation to novate that contract from PassivSystems Limited to Passiv UK Limited.

##### 2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

1. **Supporting a successful sustainable economy**– taking steps to make the county borough a great 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 borough.
2. **Smarter use of resources**– ensure that all its resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help deliver the Council's well-being objectives.

##### 3. Background.

3.1 In February 2019 Cabinet approved the Bridgend Local Area Energy Strategy and Smart Energy Plan. The strategy provides the vision for how heat could be decarbonised across Bridgend County Borough in line with UK Government carbon reduction targets.

3.2 The Smart Energy Plan contains several project ideas to be developed over the period 2019 – 2025 which will provide the evidence base for the decarbonisation of Bridgend County Borough in line with the Local Area Energy Strategy. The projects are divided into Deployment and Innovation projects. Innovation Project 4 "*Affordable Urban Heat Networks*" is seeking to identify innovative ways in which the cost of heat networks can be reduced.

3.3 In order to develop the idea BCBC submitted a proposal to Welsh Government through their Small Business Research Initiative (SBRI) to run an innovation competition (over two phases – Feasibility and Demonstration) to allow innovators in the market to come forward with ideas around how heat networks could be developed

at a lower cost to current market conditions. The proposal was approved and BCBC were awarded £200,000 of funding to run a Phase 1 competition (with an opportunity for further funding to be available for Phase 2 should the project successfully deliver Phase 1) that would invite innovative proposals from the market to reduce the cost of developing, building or operating heat network projects.

3.4 BCBC ran a competition in the autumn of 2019 and appointed 4 organisations to develop their ideas as part of Phase 1 of the SBRI process. The appointed organisations were:

- PassivSystems
- Nordic Heat
- Energy Systems Catapult
- London South Bank University (consortium lead)

3.5 The projects were originally scheduled to run from January – June 2020 but due to the Covid-19 pandemic it was decided to extend the contracts until December 2020 to ensure sufficient time for the Phase 1 feasibility studies to be completed. All four studies were successfully completed.

3.6 Welsh Government made a further £500,000 of grant funding available for Phase 2 and BCBC invited all the companies involved in Phase 1 to submit proposals for Phase 2 of the SBRI competition. Nordic Heat, PassivSystems and ICAX (member of the consortium led by London South Bank University) all submitted bids in February 2021. The bids were evaluated by a panel comprised of BCBC and Welsh Government representatives and it was decided that PassivSystems and ICAX would be awarded contracts (£250,000 per organisation) to demonstrate their project ideas as part of a Phase 2.

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

4.1 PassivSystems were awarded the contract to deliver their demonstration project as part of Phase 2 of the SBRI in March 2021. PassivSystems were, however placed into administration in April 2021. On the 21<sup>st</sup> April 2021 PassivSystems were acquired by Passiv UK.

4.2 As a consequence of this acquisition, Passiv UK have requested that the contract with PassivSystems be novated to Passiv UK Limited.

4.3 The Council's Contract Procedure Rules (CPRs) 3.2.9.4 provides that a contract can be modified without requiring a new procurement procedure where:

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

...

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

- 4.4 The Council has completed due diligence on Passiv UK Limited to ensure that they fulfill the criteria for qualitative selection initially established for the tender. Passiv UK Limited completed and returned the criteria for the initial qualitative selection and it was considered that they fulfilled those requirements. The overall nature of the contract will not be altered by this novation and there will not be any substantial modifications to this Contract.
- 4.5 As the value of the contract is over £100,000, Cabinet approval is required to waive the CPRs.
- 4.6 It is therefore proposed that the Council waives the requirement to obtain quotations or tender under Contract Procedure Rule 3.2.9.4, and enter into a Deed of Novation to novate the contract from PassivSystems Limited to Passiv UK Limited to deliver Phase 2 of the SBRI Affordable Urban Heat Networks Project.

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

- 5.1 This report is requesting a waiver of the Council's Contract Procedure Rules.

## **6. Equality Act 2010 Implications**

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report

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

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. The Act provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Council should work to deliver wellbeing outcomes for people. The Council must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 7.2 The SBRI project addresses the five ways of working under the Act through:

- **Involvement:** The SBRI project will introduce innovation into the heat network sector providing the Council with new tools to develop a decarbonised heat system that meets the UK Net Zero decarbonisation targets in line with BCBC's Local Area Energy Strategy.
- **Long Term:** The aim of the SBRI is to identify new ways of developing and operating heat network projects which will have a positive long term impact on the sector, with the desired aim of reducing costs and increasing the viability of projects.
- **Prevention:** The SBRI will provide new key innovations that it is anticipated will help facilitate the successful development of heat network projects within

Bridgend in line with the Local Area Energy Strategy helping to achieve a Net Zero Bridgend.

- **Integration:** The SBRI will support innovation within the heat network sector aiding the Council to develop projects that will achieve carbon reductions within its own estate and across the County Borough, reduced whole life cost of heat (capital and revenue) and create economic opportunities through a clearly identified value chain for the area.
- **Collaboration:** The SBRI involves collaboration between a number of stakeholders within Bridgend (e.g. the Council, private sector, social housing providers etc.) to achieve its outcomes, which it is intended will have a positive impact on the heat network sector.

## **8. Financial Implications.**

- 8.1 There are no financial implications. Phase 2 costs remain the same and will be delivered through the Welsh Government grant for Phase 2 of the SBRI project. The grant has been accepted by the Council.

## **9. Recommendation.**

- 9.1 It is recommended that Cabinet:

- Authorises the waiver of the Council's Contract Procedure Rules to allow the modification of the existing contract with PassivSystems Limited in relation to Phase 2 of the Small Business Research Initiative by consenting to the novation of that contract to Passiv UK limited in accordance with Rule 3.2.9.4;
- delegates authority to the Corporate Director Communities to approve the final terms of the Deed of Novation required to novate the contract from PassivSystems Limited to Passiv UK Limited and enter into that Deed of Novation in consultation with the Interim Chief Officer, Finance, Performance and Change and Section 151 Officer, and Chief Officer Legal, HR and Regulatory Services and to arrange execution of the Deed of Novation on behalf of the Council, subject to such delegated authority being exercised in consultation with the Chief Officer Legal, HR and Regulatory Services.

**Janine Nightingale**  
**Corporate Director Communities**  
**8<sup>th</sup> September 2021**

**Contact Officer:** Michael Jenkins  
Decarbonisation Programme Manager

**Telephone:** (01656) 643179

**E-mail:** Michael.jenkins@bridgend.gov.uk

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



## **Background documents**

None

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## BRIDGEND COUNTY BOROUGH COUNCIL

### JOINT REPORT TO CABINET

14 SEPTEMBER 2021

#### REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT AND THE CORPORATE DIRECTOR - COMMUNITIES

#### SCHOOL MODERNISATION

#### MUTUAL INVESTMENT MODEL AND LAND AT PLAS MORLAIS

#### 1. Purpose of report

1.1 This report seeks Cabinet approval to:

- submit the Mutual Investment Model (MIM) Stage 1 application to the Welsh Education Partnership Co (WEPco); and
- proceed with the required land transactions in order to facilitate the development of schools in this location.

1.2 This will include the completion of an option agreement with Valleys to Coast (V2C) in respect of the intended use of the former Glan-yr-Afon Resource Centre; together with instructing solicitors to commence proceedings to acquire the Plas Morlais site from V2C; and to prepare contract documents for the disposal of Afon-Y-Felin Primary School site to V2C at an agreed price at a future date.

#### 2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

**Supporting a successful sustainable economy** - taking steps to make the county borough a great 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 borough.

**Smarter use of resources** - ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help deliver the Council's well-being objectives.

2.2 On 3 March 2015, Cabinet approval was received for the Council to adopt revised principles as a framework for school organisation in Bridgend. Five key

principles were set out to inform the organisation and modernisation of our schools. These are:

- commitment to high standards and excellence in provision;
- equality of opportunity, so that all pupils can access quality learning opportunities, regardless of which school they attend;
- inclusive schools, which cater for the learning needs of all their pupils;
- community-focused schools, where the school actively engages with its local community; and
- value for money.

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

2.4 The principles which are particularly relevant in the context of Band B are:

- the size of primary schools (to ensure that “all Bridgend’s primary schools are large enough to make the full range of necessary provision”); and
- value for money, efficiency and effectiveness (“narrowing the gap between the most and the least expensive provision currently”).

### **3. Background**

3.1 A revised Band B Strategic Outline Programme (SOP) was submitted to Welsh Government (WG) in July 2017. In October 2017, Cabinet was presented with a report detailing the outcome of the completed strategic review in relation to school modernisation, and gave approval to discontinue the original Band B schemes approved in November 2010. Cabinet also approved the revised 2017 Band B SOP, which detailed the following projects to be taken forward:

- Bridgend North East (primary)
- Bridgend South East (primary)
- Bridgend West – Welsh-medium (primary)
- Bridgend West – English-medium (primary)
- Bridgend Special School

3.2 On 6 December 2017, the WG Department for Education gave ‘approval in principle’ for Bridgend’s second wave of investment, which had an estimated programme envelope cost of £68.2m.

3.3 The MIM was formally launched by WG on 28 February 2017 and is a platform for delivery of the ‘Taking Wales Forward’ agenda. 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:

- an emphasis on wider community benefits;
- enhanced stakeholder involvement;

- public sector equity investment;
  - no soft services; and
  - effective and efficient contract management by the public sector.
- 3.4 The MIM is intended to support additional investment in social and economic infrastructure projects and help to improve public services in Wales. 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.
- 3.5 WG has procured a private sector partner to work with it on the delivery of education and community facilities in Wales, through the MIM process, under the 21<sup>st</sup> Century Schools and Colleges Programme. The private sector partner and a subsidiary of the Development Bank of Wales have formed the Welsh Education Partnership Co (WEPco), and will deliver revenue funded infrastructure services.
- 3.6 In March 2019, following WG's review of the MIM funding option in relation to its suitability for delivering certain schemes and their revised intervention rates, Cabinet determined that two primary school schemes should be delivered via this funding model. Legal Services were instructed to review WG's MIM documentation and, upon conclusion, confirmed that the safest option for the authority in progressing schemes via MIM would be to confirm a willingness to be named in the contract notice. A letter of intent was duly signed by the then Interim Chief Executive and submitted to WG.
- 3.7 In January 2020, Cabinet was advised that WG had published the MIM contract notice on 9 July 2019 via Sell2Wales (and OJEU) and had shortlisted bidders and in October 2019, WG had commenced dialogue with three companies with a view to appointing one as the MIM Private Sector Delivery Partner (PSDP). Cabinet formally approved that the two Bridgend West schemes would be funded via MIM.
- 3.8 Subsequently, in July 2020, Cabinet was advised of WG's appointment in respect of the preferred bidder and approval was received for the Council to enter into a Strategic Partnering Agreement with other participants and WEPco.
- 3.9 WG approved the Strategic Outline Case for the two Bridgend West schemes in November 2020 and, in December, Council approval was received to include funding in the capital programme for the purchase of land at Plas Morlais in order to support the English-medium element of the project.
- 3.10 In June 2021, following a statutory consultation process under the School Organisation Code in respect of the two Bridgend West proposals, Cabinet determined to approve the two proposals (ie to discontinue Afon Y Felin and Corneli Primary Schools and establish a new two form-entry English-medium primary school on the Plas Morlais site, and to enlarge Ysgol Y Ferch O'r Sgêr

to a two form-entry FE, to be located on the Corneli Primary School/Ysgol Y Ferch O'r Sgêr site).

- 3.11 In respect of the associated land transactions, Cabinet and Council approval was given in December 2020 for the inclusion within the Capital Programme of the amounts required for the acquisition of the Plas Morlais site from V2C within 2021-2022. Approval was also received to include the future sale of the Afon-Y-Felin primary school site to V2C and Glan-yr-Afon as part of this three property transaction. V2C have confirmed a commitment to these transactions and are working with BCBC officers to bring them forward.

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

##### **Mutual Investment Model**

- 4.1 Formal approval to proceed to deliver any new project and to enter into associated legal documentation to facilitate the same, including a Project Agreement (Stage 1), requires Cabinet approval.
- 4.2 The schemes are now at the stage where a Stage 1 application to WEPco needs to be submitted. Following receipt WEPco will consider the application and determine whether it can be accepted as a 'new project'. If accepted, the design development process for the new schools will commence.

##### **Land at Plas Morlais**

- 4.3 Following an extensive site search and feasibility exercise for the proposed replacement schools in the West, neighbouring land at Plas Morlais, owned by V2C, has been identified for development of one of the new Schools, with the existing site shared by Corneli Primary School and Ysgol Y Ferch O'r Sgêr as the other.
- 4.4 The principle of the land transaction is based upon a 'swap' deal with V2C, whereby BCBC exchange the Afon-Y Felin Primary School site for V2C's Plas Morlais site, however the sequencing and payments related to the two elements of the 'swap' are unable to be aligned as the Afon-Y-Felin Primary School site cannot be sold until the completion of the new school development, and the new school site has to be acquired ahead of the new school development. On this basis, it is agreed that the Council will acquire the Plas Morlais site upfront, ahead of realisation of the capital receipt for the Afon-Y-Felin Primary School site.
- 4.5 A jointly instructed valuation of both sites has been undertaken by the District Valuer and has returned values for both sites as reported in December. The reported values indicate a difference in value in favour of the Plas Morlais site, being valued higher based on size and anticipated development densities.
- 4.6 In order to account for the difference in values, Cabinet has agreed that Glan-yr-Afon, Ynysawdre could be incorporated into the 'land swap'. The District Valuer has valued this site in its current condition and agreement has been reached with V2C that will see them take an immediate option agreement on Glan-Yr-Afon at the District Valuer valuation, whilst the acquisition agreement

for Plas Morlais is concluded. This will allow V2C to bring forward much needed redevelopment plans for the Glan-yr-Afon site forthwith.

4.7 The sequencing and timing of the property transactions within the Capital Programme are proposed as:

- BCBC acquires the V2C Land at Plas Morlais – Q4 2021 (subject to a successful outcome of the consultation process via the School Organisation Code).
- V2C acquires Glan-yr-Afon – Q4 2022 (with an option agreement in place by Q3 2021 to secure V2C commitment to acquire the land).
- V2C acquires the BCBC Afon-y-Felin Primary School site – Q1 2025 (giving BCBC 6 months to vacate).

4.8 We are now in a position to complete the option agreement on Glan-yr-Afon and instruct the BCBC Legal Team to commence the acquisition of the Plas Morlais Site and the advance disposal contracts for Afon-Y-Felin Primary School Site in readiness of the Stage 1 WEPco decision.

## **5. Effect upon policy framework and procedure rules**

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

## **6. Equality Act 2010 implications**

6.1 An Equality Impact Assessment was carried out as part of the consultation stage and was published as part of the consultation document. The assessment concluded that the proposal is unlikely to impact disproportionately on any protected group. Having reviewed responses to the consultation, the conclusion remains valid.

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

7.1 The Well-being of Future Generations (Wales) Act 2015 has been considered in formulating the proposal and the assessment was published in the consultation report.

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

|           |  |
|-----------|--|
| Long-term | Supports the statutory duty to provide sufficient pupil places and promote the Welsh language. |
|-----------|--|

|               |   |
|---------------|---|
| Prevention    | Councils have a statutory duty to ensure there are a sufficient supply of school places, and these schemes will safeguard the Council's position in terms of any potential legal challenge in this regard.  |
| Integration   | Providing sufficient places ensures that the curriculum can be delivered and meets social, environmental and cultural objectives.   |
| Collaboration | The local authority works effectively with schools, Estyn and with the Central South Consortium (CSC), health, community councils and many internal and external partners to ensure that the building meets the short-term and future needs of the users and the community which it will serve. |
| Involvement   | This area of work involves the engagement of all potential stakeholders including Cabinet, members, governors, staff, pupils, community internal and external partners which will include third sector organisations.   |

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 If the proposal does go ahead and is implemented, then the cost of the new schools will be funded via an annual charge to the revenue budget, over a 25-year period, which will need to be built into the MTFS as a budget pressure. Early estimates are that this could be in the region of £500k per annum, but this will be determined as the scheme progresses. The cost is based on a Welsh Government intervention rate for MIM schemes of 81%, with the authority funding 19% of the annual costs, plus 35% of any up-front capital investment for ICT and furniture and equipment.
- 8.2 The running costs of the new schools would be met from within the Delegated Schools' Budget as is currently the case. It is too early to say whether there will be efficiency savings or additional costs from the proposed new schools, and future reports to Cabinet will outline the financial implications, as they are known, in more detail.
- 8.3 In December 2020, Council approved the inclusion of the land purchase costs related to the Band B Programme within the Capital Programme. This included the land transactions at Plas Morlais, Glan-yr-Afon and Afon-Y-Felin. In addition to the purchase costs there will be an overall acquisition legal fee cost in the region of £50k and Land Transaction Tax to be payable for each acquisition. It is anticipated that these fees will be funded via approved budgets already included within the capital programme, however should additional funds be required a further request to Council will be made for inclusion within the Capital Programme as soon as possible.
- 8.4 The potential capital receipts were included within the December 2020 Cabinet and Council reports. The only difference currently is that V2C have agreed to



pay an additional £5,000 for Glan-yr-Afon based on the option deposit amount being lowered in exchange.

## **9. Recommendations**

9.1 It is recommended that Cabinet:

- approves the Stage 1 submission to WEPco; and
- approves the option agreement of Glan-Yr-Afon to V2C as part of the overall 'land swap' agreement and to authorise officers to progress contracts for the acquisition of the land at Plas Morlais from V2C and the future sale of Afon-Y-Felin Primary School to V2C at the agreed values, ensuring the Council obtains best consideration in line with section 123 of the Local Government Act 1972 in line with Land Transaction Protocols.

**Lindsay Harvey**  
**CORPORATE DIRECTOR - EDUCATION AND FAMILY SUPPORT**

**Janine Nightingale**  
**CORPORATE DIRECTOR – COMMUNITIES**

**14 September 2021**

**Contact Officer:** Nicola Echanis  
Head of Education and Early Help

**Telephone:** (01656) 642611

**E-mail:** [nicola.echanis@bridgend.gov.uk](mailto:nicola.echanis@bridgend.gov.uk)

**Contact Officer:** Justin Kingdon  
Strategic Asset Management and Investment Manager

**Telephone:** (01656) 642714

**E-mail:** [justin.kingdon@bridgend.gov.uk](mailto:justin.kingdon@bridgend.gov.uk)

**Postal address:** Education and Family Support Directorate  
Bridgend County Borough Council  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

## **Background documents**

Where appropriate, relevant papers are in the public domain

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET 14 SEPTEMBER 2021

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

#### SCHOOL MODERNISATION

#### PORTHCAWL WELSH-MEDIUM SEEDLING SCHOOL

##### 1. Purpose of report

- 1.1 This report seeks Cabinet approval to submit an expression of interest to Welsh Government (WG) in respect of the recently announced second tranche of the Welsh-medium Capital Grant.

##### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
- **Supporting a successful sustainable economy** - taking steps to make the county borough a great 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 borough.
  - **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council’s well-being objectives.

##### 3. Background

- 3.1 There is a duty on local authorities to promote the Welsh language and support WG’s Cymraeg 2050 ambition (ie whereby ‘the Welsh language is thriving, the number of speakers has reached a million, and it is used in every aspect of life’).
- 3.2 In November 2018, the authority secured £2.6m of WG Capital Grant funding for the development of Welsh-medium childcare provision in strategic geographical areas of the county borough, in order to support the vision as detailed in paragraph 3.1 of this report. Four areas were identified for investment, one of which was Porthcawl.
- 3.3 The Porthcawl Regeneration Scheme, as identified in the Local Development Plan, is being progressed, and as part of that scheme it is proposed that additional housing/apartments are delivered which will significantly contribute to the redevelopment of the area.

- 3.4 The local authority has calculated the pupil yield arising from the planned development according to Supplementary Planning Guidance 16 and this has identified that additional education provision will be required to serve the area.
- 3.5 On 21 January 2020, Cabinet gave 'approval in principle' to the development of a 1 form entry Welsh-medium school to serve the Porthcawl area as part of a future band of the school modernisation programme. The intention is that the new provision would be aligned to the development of the Porthcawl Regeneration scheme.

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

- 4.1 In order to promote the Welsh language and deliver on the Cabinet commitment within this part of the county borough, the need for an interim measure in the form of a Welsh-medium seedling school has been identified.
- 4.2 In considering the Welsh-medium childcare provision (ie as detailed in paragraph 3.2 of this report) and supporting the transition from childcare into a formal Welsh-medium education, there are significant merits in co-locating both provisions. From an economic perspective, it would make the most efficient use of funding to co-locate childcare and seedling Welsh-medium provisions on a single site (since the associated economies of scale would mean that significant savings could be made as compared to providing separate provisions at disparate locations). Also, from a logistical perspective, it would be beneficial to parents/carers since there would be a natural progression from the childcare provision through to the seedling school.
- 4.3 A desktop site options appraisal has been progressed for a co-located facility and the outcome will be reported in due course.
- 4.4 Although the council currently has WG approved funding in place for the provision of the childcare facility, it does not currently have funding in place for a Welsh-medium seedling school.
- 4.5 Corporate Landlord Department (ie the Major Projects Team) has provided an estimated cost for the provision of a combined Welsh-medium seedling school and childcare facility of £3.75m. As WG funding of £500k is already in place for the Welsh-medium childcare scheme, in order to deliver a scheme the shortfall would have to be met (ie £3.25m).
- 4.6 On 11 March 2021 WG announced an additional £30m to develop Welsh-medium education across Wales. The funding is a second tranche of investment from the Welsh-medium Capital Grant, established in 2018 to support capital projects dedicated to supporting and growing the use of the Welsh language in education. WG has asked local authorities to submit expressions of interest in the first instance and have advised that, in addition to the 100% capital grant funded, there may opportunities for revenue funding (ie of up to two years) to support capital projects. However, these will be assessed on a case-by-case basis.

4.7 Should the application for grant funding be successful, the establishment of a seedling school would require a statutory process under the School Organisation Code and would be dependent on future Cabinet decisions.

**5. Effect upon policy framework and procedure rules**

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

**6. Equality Act 2010 implications**

6.1 An initial EIA screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

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

7.1 The Well-being of Future Generations (Wales) Act 2015 has been considered in formulating the proposal.

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

|               |   |
|---------------|---|
| Long-term     | Supports the statutory duty to provide sufficient pupil places and promote the Welsh language.  |
| Prevention    | Councils have a statutory duty to ensure there are a sufficient supply of school places, and these schemes will safeguards the Council's position in terms of any potential legal challenge in this regard.   |
| Integration   | Providing sufficient places ensures that the curriculum can be delivered and meets social, environmental and cultural objectives.   |
| Collaboration | The local authority works effectively with schools, Estyn and with the Central South Consortium (CSC), health, community councils and many internal and external partners to ensure that the building meets the short-term and future needs of the users and the community which it will serve. |
| Involvement   | This area of work involves the engagement of all potential stakeholders including Cabinet, members, governors, staff, pupils, community, internal and external partners which will include third sector organisations.  |

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 The currently estimated cost for the provision of a combined Welsh-medium seedling school and childcare facility of £3.75m includes an element of £150k for anticipated highways works. The full extent of the highways work required for the proposed scheme will not be known until a Transport Assessment is undertaken at detailed design stage. WG currently only grant fund construction within the curtilage of development sites (ie they do not grant fund highways works falling beyond site boundaries). Consequently, BCBC would be required to fund any necessary highways works falling beyond the site boundary. A report will be submitted to Council at a later stage when the extent of any additional capital funding and additional revenue costs are known.

## **9. Recommendation**

- 9.1 Cabinet is requested to give approval for an expression of interest to be submitted to WG in respect of the Welsh-medium Capital Grant in order to create a Welsh-medium seedling school in the Porthcawl area.

**Lindsay Harvey**

**CORPORATE DIRECTOR - EDUCATION AND FAMILY SUPPORT**

**14 September 2021**

**Contact officer:** Gaynor Thomas  
Schools Programme Manager

**Telephone:** (01656) 642626

**E-mail:** [gaynor.thomas@bridgend.gov.uk](mailto:gaynor.thomas@bridgend.gov.uk)

**Postal address:** Education and Family Support Directorate  
Bridgend County Borough Council  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

### **Background documents:**

Relevant documents are already in the public domain.

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14 SEPTEMBER 2021

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

#### SUSPENSION OF COUNCIL'S CONTRACT PROCEDURE RULES AND AWARD OF CONTRACT FOR PARENT PARTNERSHIP SERVICES

#### 1. Purpose of report

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

- continue service delivery of the existing parent partnership service, to allow for a fully compliant tender process to take place, including an adequate mobilisation period;
- suspend the relevant parts of the Council's contract procedure rules (CPRs) with regards to the requirement to re-tender the contract detailed in this report; and
- authorise the Group Manager (Learner Support) to enter into a short-term contract with the current provider.

#### 2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objective/objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
- **Helping people and communities to be more healthy and resilient** – taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

3.1 Bridgend County Borough Council (BCBC), through core budget, currently commissions a parent partnership service. Details of contract and service provision

are set out below.

- 3.2 Following a tender exercise in 2018, BCBC entered into a contract with SNAP Cymru for parent partnership services. The contract was commissioned from 1 May 2018 for an initial one-year period, with an option to extend for a further one-year period of up to two years. Provision includes:
- independent advice and support for parents/carers whose children have or may have special educational needs in order to empower and enable parents/carers to play an informed and active role in their child's education;
  - access to information, advice and guidance so parents/carers can make informed decisions;
  - a formal Disagreement Resolution Service; and
  - an independent advocacy service in accordance with the *Child's Right to Appeal* to the Special Educational Needs Tribunal for Wales (SENTW).
- 3.3 The contract commenced on 1 May 2018 and expired on 31 March 2021. The option to extend for a period of up to two years has been utilised.
- 3.4 Extenuating circumstances, such as the COVID-19 pandemic and workforce capacity has resulted in delay in engaging in a compliant tender process, along with regard for a sufficient period of contract mobilisation.
- 3.5 The current annual contract value is £26,391.07. This contract is funded from core budget within the Education and Family Support Directorate.

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

- 4.1 The existing contract in relation to the parent partnership service ended on 31 March 2021. Despite no contract being in place, the Service has continued to be provided by the contractor. The Council is required under its CPRs and Public Contract Regulations 2015 to re-tender for replacement service providers via a competitive procurement exercise.
- 4.2 Immediate cessation of the contract would pose a risk to the ongoing delivery of essential services to children and young people and their families.
- 4.3 The current service provision has been reviewed, with performance monitoring undertaken to gather both qualitative and quantitative data around client need, demand for service and outcomes achieved. The positive impact on partnership with parents can be clearly demonstrated. Engagement and communication has taken place between BCBC and the current contract holder to ensure the service remains fit for purpose and can adequately meet the needs of children, young people and their families.
- 4.4 To ensure service continuity and ensure that staffing disruptions likely to arise from the ending of contract is minimised, it is proposed that Cabinet suspends the relevant parts of the Council's CPRs requiring a competitive procurement exercise in accordance with the requirements of the Public Contract Regulations 2015 and



agrees to the awarding of contract based on current contractual arrangements until 31 December 2021. The procurement milestones are attached at Appendix 1.

- 4.5 Cabinet needs to be aware that in awarding this contract to SNAP Cymru, the Council is exposed to the risk of potential challenge from other providers of such services. The Council's CPRs ensure that procurement exercises are lawful and carried out in compliance with the Public Contract Regulations 2015 to satisfy principles of transparency, non-discrimination and equal treatment. This report proposes entering into a contract with SNAP Cymru without any competition. This proposal breaches the requirements of the Public Contract Regulations 2015 and requires Cabinet's approval to set aside the Council's CPRs.

## **5. Effect upon policy framework and procedure rules**

- 5.1 This report is requesting a suspension of the Council's CPRs, but no amendment to the CPRs is being sought.

## **6. Equality Act 2010 implications**

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

### **6.2 EIA screening – no impact identified**

An initial EIA screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

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

- 7.1 The report contributes to the following goals within the Wellbeing of Future Generations (Wales) Act 2015:

- A prosperous Wales
- A resilient Wales
- A Wales of cohesive communities
- A globally responsive Wales

- 7.2 The five ways of working have been considered in the preparation of this report and are summarised below:

- **Long term** – Continued provision will allow for short term needs to be met, while the tender process is undertaken to provide long-term provision.
- **Prevention** – Parent partnership services are preventative in nature and are designed to engage at an early stage and prevent any disputes escalating.

- **Integration** - Provision supports economic, social and cultural outcomes, both at an individual level and in wider communities.
- **Collaboration** – Approval will allow time for BCBC to effectively engage with internal and external partners in a meaningful way.
- **Involvement** – Decisions around commissioning activity and the tender process, will be achieved through effective partnership working, communication and collaboration.

## 8. Financial implications

- 8.1 The current funding, set out in the existing contractual arrangements will continue.
- 8.2 The current annual value of the parent partnership service contract is £26,391.07 which is funded from core budget.

## 9. Recommendation(s)

9.1.1 It is recommended that Cabinet:

- approves the continuance of service delivery of the existing parent partnership service, to allow for a fully complaint tender process to take place;
- suspend the relevant parts of the Council's CPRs in respect of the requirement as to re-tendering of the proposed contract; and
- authorise the Group Manager (Learner Support) to enter into contract for the provision of the parent partnership service until 31 December 2021.

**Lindsay Harvey**  
**Corporate Director (Education and Family Support)**  
**14 September 2021**

**Contact officer:** Michelle Hatcher  
 Group Manager Learner Support

**Telephone:** (01656) 815258

**Email:** michelle.hatcher@bridgend.gov.uk

**Postal address:** Civic Offices, Angel Street, Bridgend, CF31 4WB

### Background documents

None

### Attachments

Appendix 1 Procurement Milestones – Tender Process

Appendix 1. Milestones

| <b>Activity / Milestone<br/>Family Partnership<br/>Services –<br/>B559/21</b> | <b>Estimated Dates</b>                  |
|---|---|
| <b>Ref</b>  | <b>B559/21</b>                          |
| <b>Value</b>  | <b>£26,391.07 per annum</b>             |
| <b>Evaluation Criteria</b>  | <b>80% Technical 20%<br/>Commercial</b> |
| Procurement to send TUPE information.   | 13 August 2021                          |
| Develop specification and preparation of tender document                      | W/C 16 August 2021                      |
| Return of TUPE  | 27 August 2021                          |
| Final documents sent to procurement   | W/C 6 September 2021                    |
| Cabinet Decision  | 14 September 2021                       |
| Place notice  | 27 September 2021                       |
| Return of tenders   | 11 October 2021                         |
| Evaluate Qualification Envelope   | 11 – 12 October 2021                    |
| Opening of tenders (technical)  | 13 October 2021                         |
| Evaluate Technical  | 14-15 October 2021                      |
| Evaluate Technical as a panel   | 18 -19 October 2021                     |
| Interviews/ Presentation  | 28-29 October 2021                      |
| Final evaluation and decision   | 1 November 2021                         |
| Delegated Powers to award   | 3 November 2021                         |
| Issue unsuccessful letters and intention to award letter                      | 4 November 2021                         |
| End of standstill period  | 16 November 2021                        |
| Issue Successful Letters  | 17 November 2021                        |
| Mobilisation  | 18 November – 31 December 2021          |
| Contract start date   | 1 January 2022                          |

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14 SEPTEMBER 2021

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

#### WELSH IN EDUCATION STRATEGIC PLAN

##### 1. Purpose of report

- 1.1 The purpose of this report is to seek approval to consult with stakeholders on the draft Welsh in Education Strategic Plan (WESP) from the 27 September 2021 for a period of twelve weeks. The outcome of the consultation will be reported back to Cabinet following the closure of the consultation.

##### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
  - **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  - **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

##### 3. Background

- 3.1 Section 84 of *The School Standards and Organisation (Wales) Act 2013* ("the 2013 Act") requires a local authority to prepare a Welsh in Education Strategic Plan ("the Plan") and outlines that a plan must contain:
- a. A local authority's proposals on how it will carry out its education functions to:
    - i. Improve the planning of the provision of education through the medium of Welsh ("Welsh-medium education") in its area;
    - ii. Improve the standards of Welsh-medium education and of the teaching of Welsh in its area;

- b. The local authority's targets for improving the planning of the provision of Welsh-medium education in its area and for improving the standards of that education and of the teaching of Welsh in its area;
  - c. Report on the progress made to meet the targets contained in the previous Plan or previous revised Plan.
- 3.2 Cabinet first approved the Bridgend Local Authority WESP in March 2014 and it was subsequently approved by Welsh Government Department for Education and Skills (DfES) in June 2014. The Plan has been reviewed and updated annually prior to seeking approval from Welsh Government.
- 3.3 Following the rapid review commissioned by Welsh Government the timescales for publication of the WESP documents have been reviewed, as reported in Cabinet report (5 September 2017).
- 3.4 *The Welsh in Education Strategic Plans and Assessing the Demand (Wales) Regulations 2013*<sup>2</sup> ("the 2013 Regulations"), were the first regulations made under the section 87 powers. The Welsh in Education Strategic Plans (Wales) Regulations 2019 ("The 2019 Regulations") replace those regulations and make provision for a local authority to prepare a ten-year Plan, the first to have effect from 1 September 2022, subject to the Welsh Ministers' approval.
- 3.5 The purpose of these regulations is to improve opportunities for local authorities to plan Welsh-medium education provision in order to support the current and future expectation for growth in Welsh-medium education. Improving the planning of Welsh medium education will also support Welsh Government's long-term national ambition for the Welsh language as set out in Welsh Government's *Cymraeg 2050: A Million Welsh speakers* strategy, your strategy for promoting the Welsh language in accordance with the Promotion Standards under the Welsh Language Standards (No. 1) Regulations 2015<sup>5</sup> and also the introduction of a new curriculum for Wales.

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

- 4.1 Welsh Government issued new guidance for WESP, in August 2016. There is a clear intent to link the work of the WESPs to the Welsh Language Standards and to drive local authorities towards Welsh Government's stated aim of having one million Welsh speakers by 2050. This template is the framework for the ten year WESP plan. The template is a more concise document with very clear aims and objectives to meet each of the seven outcomes illustrated below:
- **Outcome 1:** More nursery children/ three year olds receive their education through the medium of Welsh.
  - **Outcome 2:** More reception class children/ five year olds receive their education through the medium of Welsh.
  - **Outcome 3:** More children continue to improve their Welsh language skills when transferring from one stage of their statutory education to another.

- **Outcome 4:** More learners study for assessed qualifications in Welsh (as a subject) and subjects through the medium of Welsh.
- **Outcome 5:** More opportunities for learners to use Welsh in different contexts in school.
- **Outcome 6:** An increase in the provision of Welsh-medium education for pupils with additional learning needs (ALN) in accordance with the duties imposed by the Additional Learning Needs and Education Tribunal (Wales) Act 2018.
- **Outcome 7:** Increase the number of teaching staff able to teach Welsh (as a subject) and teach through the medium of Welsh.

4.2 In response to the COVID-19 pandemic, the Welsh in Education Strategic Plans (Wales Regulations 2019) were amended. The Welsh in Education Strategic Plans (Wales) (Amendment) (Coronavirus) Regulations 2020 (“the 2020 Regulations”) came into force on 1 December, 2020 and make changes to the start date of the next WESP cycle being moved from 1 September 2021 to a year later (to September 2022). The plan has to be submitted to Welsh Government for approval by the 31<sup>st</sup> January 2022.

4.3 The first ten-year Plan will commence on 1 September 2022 and expire on 31 August 2032. Each further Plan will commence on 1 September in the year during which the previous ten year Plan will come to an end (ie 1 September 2032 to 31 August 2042). The Plan must include a target outlining the expected increase in the number of Year 1 learners taught through the medium of Welsh in the local authority area during the lifespan of the Plan.

## 5. Effect upon policy framework and procedure rules

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

## 6. Equality Act 2010 implications

6.1 The WESP is designed to deliver the key principles of equality, choice and opportunity for all. An Initial Equality Impact Assessment (EIA) screening has been undertaken on the draft Welsh in Education Strategic Plan which indicates that a full EIA will be required over the next 12 months which will provide monitoring data on which to base further decisions regarding the detail of the WESP.

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

7.1 The report contributes to the following goals within the Wellbeing of Future Generations (Wales) Act 2015:

- A prosperous Wales
- A resilient Wales
- A Wales of cohesive communities
- A globally responsive Wales

7.2 The five ways of working have been considered in the preparation of this report and are summarised below:

|                      |  |
|----------------------|--|
| <b>Long term</b>     | Supports the statutory duty to provide sufficient pupil places and support the Welsh language.   |
| <b>Prevention</b>    | The Council has a statutory duty to promote the Welsh language. The plan will ensure that children and young people will be able to follow a Welsh-medium education. |
| <b>Integration</b>   | The plan supports the promotion of Welsh education in the communities in which the children and young people live.   |
| <b>Collaboration</b> | The local authority will continue to work in collaboration to ensure that it achieves its vision as set out in the draft WESP plan.                                  |
| <b>Involvement</b>   | Key stakeholders have been involved in drafting the WESP ten-year plan. Further engagement will occur with the consultation.   |

## **8. Financial implications**

8.1 Local authorities are expected to work with their regional consortia to demonstrate how the Education Improvement Grant administered by Central South Consortium will support the implementation of the WESP.

## **9. Recommendations**

9.1 Cabinet is recommended to:

- note the content of the draft plan; and
- give approval to consult.

**Lindsay Harvey**  
**Corporate Director Education and Family Support**  
**14 September 2021**

**Contact officer:** Michelle Hatcher  
Group Manager (Learner Support)

**Telephone:** (01656) 815258

**Email:** michelle.hatcher@bridgend.gov.uk

**Postal address:** Civic Offices, Angel Street, Bridgend, CF31 4WB

### **Background documents**

None

### **Attachments**

Appendix 1 Draft Welsh in Education Strategic Plan (WESP) 2022-2032



# WELSH IN EDUCATION STRATEGIC PLAN

**Name of local authority**

**Bridgend County Borough Council**

**Period of this plan**

**2022-2031**

**This Welsh in Education Strategic Plan is made under section 84 of *The School Standards and Organisation (Wales) Act 2013* and the content complies with the *Welsh in Education Strategic Plans (Wales) Regulations 2019*<sup>1-2</sup>. We have given due regard to the statutory guidance issued by Welsh Ministers when setting our targets.**

**Signed:** ..... **Date:** .....

(This plan needs to be signed by the Chief Education Officer within your local authority)

<sup>1</sup> [The Welsh in Education Strategic Plans \(Wales\) Regulations 2019](#)

<sup>2</sup> [The Welsh in Education Strategic Plans \(Wales\) \(Amendment\) \(Coronavirus\) Regulations 2020](#)

## Notes to help you

You will need to outline your local authority's Welsh-medium education vision of the next ten years and the main strategic objectives for this period. Demonstrate how you will achieve Outcomes 1 to 7 with reference to the guidelines.

Before completing this template, please refer specifically to Part 2 of the Welsh in Education Strategic Plans Guidance.

<https://gov.wales/welsh-education-strategic-plans>

This part sets out the statutory requirements for what must be included in your Plan (as outlined in the Schedule of the Welsh in Education Strategic Plans (Wales) Regulations 2019). In addition to your overarching ten-year target, some statements in the Schedule require you to set other targets, and if so, please refer to those here.

## Our ten-year vision for increasing and improving the planning of the provision of Welsh-medium education in our area

*Please include your overarching ten-year target here. This target should outline the expected increase of Year 1 children taught through the medium of Welsh during your ten-year plan and a statement setting out how you will go about achieving it.*

*(Paragraph 1 and 2 of the Schedule to the Welsh in Education Strategic Plan (Wales) Regulations 2019. Please refer to Part 2 of the Welsh Government Guidance, made under section 87(4) of the 2013 Act)*

### **Bridgend County Borough Council's Vision**

Bridgend County Borough Council's vision aligns with Cymraeg 2050-A million Welsh speakers (Welsh Government, 2017). As a local authority *we desire that the Welsh language thrives, and that it is used in every aspect of life. Among those who do not speak Welsh there is goodwill and a sense of ownership towards the language and a recognition by all of its contribution to the culture, society and economy of Wales.*

*Our vision is to secure favourable circumstances throughout the local authority that support language acquisition and use of Welsh language skills. We want to see an increase in language transmission in the family, early introduction of Welsh to every child, an education system that provides Welsh language skills for all, and greater appreciation of Welsh language skills in the workplace. At the same time, we are committed to supporting people to use Welsh socially, at work, and when accessing services.*

The Council's vision for provision of Welsh-medium education and support for the teaching of the Welsh language should:

- deliver the key principles of equality, choice and opportunity for all;
- respect, promote and embody the linguistic and cultural diversity of Bridgend and Wales;
- recognise a common Welsh heritage;
- reflect the social, economic and cultural needs of Wales in the 21<sup>st</sup> century;
- provide opportunity to reflect on and develop personal identity and a sense of place and community;
- be consistent with the national aspirations set out in the Welsh Government's Welsh-medium Education Strategy (WMES);
- take into account Welsh Government's Welsh Language Strategy (2016) to reach a million welsh speakers by 2050; and
- align with Welsh Government strategies.

In order to make this vision a reality, our aim is to ensure that the Council and its partners within the county borough undertake the following:

- understand their respective roles within the Welsh in Education Strategic Plan (WESP) Forum in relation to formulating and monitoring the progress of the WESP;
- promote the language to create demand;
- ensure that Welsh-medium provision is available to all children of pre-school age and above whose parents/carers wish them to receive their care/education through the medium of Welsh, and this within reasonable travelling distance from children's homes;
- ensure a developing continuum from Welsh-medium primary education through to Welsh-medium secondary education, so that pupils who begin their primary education through the medium of Welsh will progress to a Welsh-medium secondary school and progress accordingly into further and higher education and training;
- ensure that Welsh is taught both in Welsh-medium and English-medium school on the timetable of all our schools, in accordance with the National Curriculum's statutory requirements, and that all pupils are given the opportunity to sit externally accredited examinations in Welsh at the end of key stage 4;
- ensure that children and young people with additional learning needs (ALN) receive linguistic equality of opportunity in terms of Welsh-medium education, in line with the Additional Learning Needs and Education Tribunal Act Wales (2018) and the Code of Practice for Wales;
- ensure that all pupils attending a designated Welsh-medium school are able to speak, read and write Welsh fluently by the end of key stage 2;
- work in partnership with all schools in order to improve the standard of Welsh;
- further develop teachers' knowledge and understanding of Welsh and provide opportunities for pupils to improve their knowledge and understanding of the cultural, economic, environmental, historical and linguistic ethos / characteristics of Wales via the Cwricwlwm Cymreig; and
- promote the wider development of pupils' Welsh language skills through specific activities and projects, in association with a wide range of partners.

This vision and these aims complement (and are informed by) the Welsh Government's Welsh-medium Education Strategy, in particular its Strategic Aims 1-4 and 6, and its vision of an 'education and training system that responds in a planned way to the growing demand for Welsh-medium education, reaches out to and reflects our diverse communities and enables an increase in the number of people of all ages and backgrounds who are fluent in Welsh and able to use the language with their families, in their communities and in the workplace'.

The Strategic Plan that follows sets out how the Council will support the objectives associated with those aims and play its part in delivering the five national outcomes for the WMES. It also indicates how developments in Welsh language education within the county borough contribute to the wider need to raise standards of attainment, both within Bridgend and across the Central South Consortium.

## Current and future targets

There are currently four Welsh-medium primary schools and one Welsh-medium secondary school in the local authority. Two of the four Welsh-medium primary schools are located in the North of the county borough, one in the West and one in the South. The secondary school is based in the North of the county borough.

The Council aspires to significantly increase Welsh medium provision in Bridgend. The target % increases which have been prescribed by Welsh Government and the local authority's forecast of the pupil population over the next 10 years have been taken into account.

Currently there are 162 pupil places available for reception age learners. The local authority has set a target of 300 reception places being available for Welsh-medium learners by the end of the plan period. The 300 reception places equates to 10 forms of entry, and the aim is to ensure those places are filled.

Grant funding opportunities from Welsh Government will be maximised in order to support the targeted increase in Welsh-medium primary provision.

As at 2020-2021, there were 162 Welsh-medium reception class places which were distributed accordingly:

|   |    |
|---|----|
| Ysgol Gymraeg Bro Ogwr                      | 54 |
| Ysgol Cynwyd Sant                           | 45 |
| Ysgol Gynradd Gymraeg (YGG) Calon Y Cymoedd | 30 |
| Ysgol Y Ferch O'r Sgêr                      | 33 |

Ysgol Gymraeg Bro Ogwr is approaching a capacity threshold of less than 10% and therefore during the first five years of the plan, the local authority is seeking to increase Welsh-medium primary school places at the school which will serve the Valleys Gateway, Bridgend and Pencoed areas of the County Borough by enlarging and relocating Ysgol Gymraeg Bro Ogwr to an alternative nearby site. As a result, there will 90 nursery places available for three-year-olds.

At the end of the first five years of the plan, additional provision for three-year-olds will be available at the following schools:

- Ysgol Gymraeg Bro Ogwr; and
- Ysgol Y Ferch O'r Sgêr.

The above projects will result in the total number of pupil places for Welsh-medium reception learners increasing from 162 pupil places to 210 (ie 7 forms of entry) by the end of the first five years of implementation of the plan.

In addition, there is an aspiration to create a Welsh-medium seedling school to serve the Porthcawl area. Currently, no funding has been allocated for the scheme. However, approval to submit an expression of interest to Welsh Government in respect of the Welsh-medium capital grant funding is being sought from Cabinet. If successful, there would be an additional 30 places for three-year-olds.

In addition to the 7 forms of entry which will be delivered during Band B, as outlined, there is a Cabinet commitment to deliver the following Welsh-medium provision during the next phase of the programme which aligns to the ten-year Welsh in Education Strategic Plan:

- A one-form-entry school at Porthcawl (ie 210 places published admission number (PAN) of 30)
- A dual-stream, two-form-entry school at Parc Afon Ewenni (subject to that site being taken forward in the next Local Development Plan) (ie 210 place (30 PAN) for Welsh-medium pupils)

Also, the local authority is undertaking an options appraisal process to create an additional one form entry provision central to the Bridgend area (ie 210 places).

The 2031-2032 target of 265 reception pupils (ie 16.93%) sits between the lower and upper range target (ie 14%-18%). Should all of the planned 300 pupil places fill, this would result in 19.16% of reception age pupils would be in receipt of a Welsh-medium education. The 16.93% mid-point target is ambitious. However, it is considered achievable, should all of the deliverables within the plan come to fruition.

### **Welsh Language immersion**

The local authority will consider collaboration with other local authorities in terms of Language Immersion Unit provision. This work will be strategically planned over a period of time with the aim of increasing the percentage of Welsh taught in English-medium schools, which will be done by targeting participants and providing the necessary support to individual schools.

### **Learner travel**

In the case of Welsh-medium education, the local authority offers free home-to-school transport where the walking distance from home to school for primary aged children is greater than two miles or more and for secondary pupils three miles or more. If any pupil who is unable to be accommodated at their local Welsh-medium school, a place in the next nearest Welsh-medium school in Bridgend, if that is requested. This includes the provision of free home-to-school transport subject to the aforementioned distance thresholds.

## Outcome 1:

### More nursery children/ three year olds receive their education through the medium of Welsh

#### Where are we now?

*Include as a baseline, any data (numbers /%) relevant to this outcome and an overview of what has been achieved during the previous plan period.*

- 1.1 The Childcare Sufficiency Assessment (CSA) is a working and organic document process. It is vital that the local authority demonstrates its clear knowledge of the early years' sector and gap areas and devises an annual action plan. This clear attention will enable all future developments across both childcare and early years' education to focus on provision that is aimed at increasing provision in both mediums with a particular focus on the numbers of Welsh-medium places to ensure equitable choice is supported.

The CSA will shortly be undertaken, there will be further data around vacancies within provision at this time.



Booklet January  
2020 E-W.pdf



Booklet January  
2019 E-W.pdf



Booklet January  
2018 E-W v2.pdf

- 1.2 Information contained in the School Admissions Policy for the relevant year and in the annual Starting Schools Booklet highlight the choices available to parents regarding Welsh-medium schools and the criteria for over-subscription in line with the local authority's statutory duty. Schools are categorised as Welsh-medium in the annual admissions policy. Reflected in the Starting Schools Booklet is how Welsh-medium education is provided in all schools.

The online school admissions process is in line with the local authority's legal duty to allow for parental choice. The users journey and the intuitiveness of the system are key, although there is no separate 'journey' in the use of the system for parents/carers choosing a Welsh-medium education as this is not considered necessary or in line with legislation.

In January 2019, during the last plan period, Ysgol Gynradd Gymraeg (YGG) Calon Y Cymoedd (formerly known as Ysgol Gynradd Gymraeg (YGG Cwm Garw) relocated to a new school in an area which is considered a central location to serve the Garw and Ogmere Valleys. The take-up of places by three-year-olds has increased as a result.

The local authority has developed information for parents entitled "Why Choose Welsh". Information is available via the Family Information



Service. This information is available electronically. However, it is key to ensure this information is made available at each and every place that parents and expecting parents receive services. The school admissions information is already clear and accessible. The School Admissions Policy is available on the website as is the Starting School Prospectus, which is an extensive information and guidance document. These documents are revised each year. The documents are all published in Welsh to the Welsh version of the local authority's website at the appropriate time. The School Admissions Policy for 2022-2023 is currently on the website. The Starting School Prospectus for 2022-2023 will be published for the website in September 2021.



school-admissions-policy-2021-to-2022.



2021-2022-starting-school-prospectus.p

- 1.3 In the case of Welsh-medium education, the local authority offers any pupil who is unable to be accommodated at their local Welsh-medium school, a place in the next nearest Welsh-medium school in Bridgend, if that is requested. This includes the provision of free home-to-school transport where the walking distance from home to school is greater than two miles for primary school children and greater than three miles for secondary school pupils.
- 1.4 Data shows that the numbers of children transitioning from Welsh-medium early years to Welsh-medium nursery provision has increased from 50% to 66%. Clearly there are matters linked to the impact of the pandemic and the suspension of early years' provision that may have had a negative impact on the data. Data for the current academic year will not be available until September 2021.

Within Bridgend there are:

|   |    |
|---|----|
| <b>Day nurseries</b>  | 21 |
| <b>Sessional childcare providers</b>  | 9  |
| <b>Flying Start</b>   | 10 |
| <b>Childminders</b>   | 53 |
| <b>Cylch Meithrin providers (7 if you include Cylch Meithrin Blaenllynfi which is Dechrau'n Deg only)</b> | 6  |
| <b>Out-of-school providers</b>  | 17 |

The number of places in each setting differs according to the ages of the children attending on any one day. However, there are approximately 2,372 English-medium childcare places and approximately 160 Welsh-medium childcare places.



Within this sector there are 19 non-maintained nursery education providers three of whom offer this provision via the medium of Welsh. There are factors that impact uptake of places at provision beyond the language of the setting some of these include the community that the provision sits within and the distance to the Welsh-medium primary school.

In summer term 2021 for Flying Start, there were seven children attending in Cylch Meithrin Sger, five in Cylch Meithrin Plant Bach and two in Cylch Meithrin Cynwyd Sant.

The following are the Flying Start budgeted places:

- 16 at Cylch Meithrin y Sger;
- 8 at Cylch Meithrin Cynwyd Sant;
- 12 at Cylch Meithrin Plant Bach;
- 12 places at Dechrau'n Deg Blaenllynfi.

1.5 The local authority uses all opportunities to maximise information available and ensures this information is then easily available to parents and carers. The local authority will continue to monitor use of Welsh Government marketing campaigns. A working group has been designed to identify potential improvements to the admission process. The process is being reviewed in order to ensure that all parents are able to access this process effectively including parents who are seeking Welsh-medium provision. The information developed to support parents includes a section regarding myth busting. There is also a focus to ensure that the information is clear and easy to find. Consideration is being given to those parents whose literacy skills are under developed. Also ensuring that the details of Cylchoedd Meithrin and Ysgolion Cyfrwng Cymraeg are prominent. The development of a video is also being considered.

1.6 Bridgend is fully compliant with the Welsh-language measure, all information available to parents is available in both Welsh and English. The local offer of Welsh-medium services and provision is promoted widely. The Why Choose Welsh document offers information on both the immersion model of Welsh- medium provision and also on the benefits of a bi-lingual and multi-lingual approach. The Why Choose Welsh leaflet is widely available. However, a clear focus on the absolute benefits of the immersion approach and the clear benefits that a fully Welsh-medium education and experience can offer are very clear within the document. There are plans underway to build on the Why Choose Welsh information via an animated version this will build and increase the quality and content of information available to parents/carers.

1.7 The Cymraeg i Blant officer runs the following weekly **Parent and baby sessions** in each area:

- Welsh Rhyme, Time and Sign group;
- Baby massage and yoga group;
- Cuppa and Chat Cymraeg (online group);
- Me and my baby sessions explaining in detail the bilingual journey (online group).

The groups are advertised as being open to all, parents do not need to be able speak Welsh. The officer will introduce simple Welsh rhymes and phrases on a weekly basis to help them acquire a basic knowledge as well as helping them to increase their confidence in using Welsh at home. The groups are advertised on local Facebook Cymraeg i Blant pages and Instagram and through the Family Information Service/Dewis Cymru, early years' teams, local community hubs and centres, libraries, Mentrau Iaith, Cwlwm partnership and wider. Cymraeg i Blant also works closely with the local Midwifery and Health Visiting generic and Flying Start teams and provide training and workshops on the advantages of early bilingualism to help them support and signpost parents over to our local groups. They sponsor the All Wales Maternity notes folder, the scan card and the Child Health Record book and all midwifery and Health Visitor students across Wales receive a presentation/workshop on the advantages of early bilingualism and the role of Cymraeg i Blant during the first year of their training. The following information is shared with parents attending the groups:

- how speaking or introducing Welsh can give their child more opportunities;
- how to use sign, baby massage and yoga to communicate with their baby;
- how to access Welsh and bilingual books, e-books and apps;
- how to access local Learn Welsh courses (ie the free, eight-week Clwb Cwtsh beginners course followed by the weekly Cymraeg i Blant Cuppa and Chat practise sessions);
- how to find their local Ti a Fi group after attending our groups, and how to register at the Cylch Meithrin and at their local Welsh medium school.

The following is the list of promotional material shared with prospective and new parents:

**Local Being bilingual booklet**

**[Your guide to Welsh medium education](#)**

**[Bilingual journey leaflet](#)**

**Further information can be found on [Meithrin.cymru](#)**

- 1.8 There are effective relationships in place with colleagues from Mudiad Meithrin. This effective partnership enables and supports joint targets

regarding the development of early years and childcare provision via the medium of Welsh.

The two services have worked very closely around the development of the Cymraeg 2050 projects.

The local authority has in place a number of grants linked to new development of provision alongside the Mudiad Meithrin support packages. Opportunities for joint development are explored and this is demonstrated by the development of Ti a Fi groups where the local authority, a local school and Mudiad Meithrin have come together to develop this jointly.

1.9 Flying Start provision within Bridgend works closely with existing Welsh-medium provision. This offers sustainability for the cylch meithrin settings. Flying Start places are provided in partnership with Cylch Meithrin at the following areas: Afon y Felin provision in Welsh-medium is available at Cylch Meithrin Y Sger;

- Sarn provision in Welsh-medium is available at Cylch Meithrin Plant Bach Sarn;
- Plasnewydd provision in Welsh-medium is available at Cylch Meithrin Cynwyd Sant;
- Garth provision in Welsh-medium is available at Cylch Meithrin Cynwyd Sant.

Within Caerau, Flying Start has in place stand-alone provision at Dechrau'n Deg Blaenllynfi. Within Brackla, the Flying Start setting will be offering 50% (16 places) of the provision via the medium of Welsh from January 2022. The Cymraeg 2050 developments will also be able to offer Flying Start provision in Lewistown, Blackmill, Bettws and Brackla.

- There are 312 English-medium places available within the Flying Start programme;
- There are 77 Welsh-medium places available within the Flying Start programme;
- 19% of the Flying Start places are available via the medium of Welsh.

This number will increase in January 2022 with the decrease of 16 English-medium places at Flying Start Brackla which will be the increase of Welsh-medium places moving forward. This will bring the percentage of places available via the medium of Welsh to 24%.

1.10 Effective sharing of information regarding services offered by Cymraeg i Blant and Mudiad Meithrin is in place and information is shared widely and enthusiastically. Mudiad Meithrin is currently looking at the local authority websites in the South East to consider how accessible the information is for parents. This information will be available to be shared in autumn term 2021.

Bridgend recognises that information available via the Family Information Service will benefit from review and increase. Information for Welsh learners is shared widely on all Bridgend County Borough Council (BCBC) communication digital platforms including the Early Years Facebook page. Bridgend recognises this area will benefit from review and the ability to ensure that information is innovative and progressive.

- 1.11 Bridgend worked closely (2019) regarding assessment of childcare practitioner's skills and confidence regarding their use of the Welsh language and offered training to raise standards and skills based on the findings of the assessment tool used. A working group has been developed to identify potential improvements within the admission process. The process is being reviewed in order to ensure that all parents are able to access this process effectively in particular parents who are seeking Welsh-medium provision.
- 1.12 Information on the Council's website makes available provision in the Welsh-medium sector and the faith school information. There have been ongoing discussions with regards to the development of clearer more specific Welsh school catchment areas.
- 1.13 The commitment to the WESP and its ambitions for Bridgend runs across the early years' service. Team members are encouraged to be knowledgeable, to enable parents to receive correct and effective information. The staff who provide this information are informed but also able to seek wider support as required. Staff can always benefit from enhanced information, however the early years' service is confident that parents are able to effectively access correct and timely information. The early years' service has a team member who is able to discuss this matter with parents via the medium of Welsh.
- 1.14 Family Information Services are delivered via the BCBC Customer Service Team, if this team feels more in depth information regarding Welsh-medium provision the service will signpost parents and carers to the relevant service either within the education school admission team or the Childcare Team. Early years' services regularly seek parent's views and are focussed on ensuring that parents views and concerns are responded to effectively and on an ongoing basis.
- 1.15 Ysgol Gymraeg Bro Ogwr is approaching a capacity threshold of less than 10% and therefore during the first five years of the plan, the local authority is seeking to increase Welsh-medium primary school places at the school which will serve the Valleys Gateway, Bridgend and Pencoed areas of the county borough by enlarging and relocating Ysgol Gymraeg Bro Ogwr to an alternative nearby site. As a result, there will 90 nursery places available for three-year-olds.

**Where do we aim to be within the first five years of this plan and how we propose to get there?**

*You may wish to include a high-level timeline against any proposed commitments to increase the number/% of three-year olds receiving their education through the medium of Welsh during the first five years of implementation (as a mid-way milestone), and another for the remainder of the plan.*

1.16 The ambition to increase this figure to 14-18% is effective.

1.17 At the end of the first five years of the plan, additional provision for three-year-olds will be available at the following schools:

**Ysgol Gymraeg Bro Ogwr**

- The local authority is seeking to increase Welsh-medium primary school places to serve the Valleys Gateway, Bridgend and Pencoed areas of the county borough by enlarging and relocating Ysgol Gymraeg Bro Ogwr to an alternative nearby site.
- 90 places will be available for three year-olds.
- The proposal will be subject to a consultation process under the School Organisation Code during the school year 2021-2022.
- The school will be funded by Welsh Government's 21<sup>st</sup> Century Schools and Colleges Programme plus BCBC capital funding.
- The new school, if approved, is scheduled to open in September 2025.

**Ysgol Y Ferch O'r Sgêr**

- Ysgol y Ferch O'r Sgêr will be enlarged to a two-form-entry school
- 60 places will be available for three year-olds.
- The proposal has already been subject to a consultation process under the School Organisation Code and Cabinet approval has been received.
- Part funded by Welsh Government's revenue Mutual Investment Model funding and BCBC, the enlarged school will serve the west of the county borough.
- The new school is programmed to open in September 2024.

**Porthcawl**

In addition, there is an aspiration to create a Welsh-medium seedling school to serve the Porthcawl area. Currently, no funding has been allocated for the scheme. However, approval to submit an expression of interest to Welsh Government in respect of the Welsh-medium capital grant funding is being sought from Cabinet. If successful, there would be an additional 30 places for three year-olds.

- 1.18 The new Cymraeg 2050 developments are progressing. The project at Betws is scheduled for completion in June 2022, with the Ogmere Valley scheme completing by September 2022. There are a further two Welsh-medium childcare projects planned for the County Borough. The Bridgend Town provision has been aligned with the Bridgend North East project, as part of Band B of the School Modernisation Programme. This Welsh-medium childcare provision will form an integral part of the replacement school for Ysgol Gymraeg (YG) Bro Ogwr. The Bridgend North East project is scheduled for completion by September 2025. In the interim period, there are plans to offer additional Welsh-medium childcare places at the Flying Start Brackla setting. The timeline for the remaining Welsh-medium childcare project planned for Porthcawl will be determined following the feasibility stage of the project.
- 1.19 The aim of the project is to provide 16 sessional Welsh-medium childcare places, together with 6 places for 0 to 2 provision and wrap-around/out-of-school provision, which would operate for 52 weeks of the year at each of the four settings. This will offer the local authority a potential for an additional 176 Welsh-medium sessional sessions available. Further to the above the Bridgend Childcare Team continues to work with a number of settings regarding the development towards becoming a non-maintained nursery education provider. This will include the new Cymraeg 2050 provisions and those Cylch Meithrin who are not currently registered to this offer (three potential providers).
- 1.20 Mudiad Meithrin is working with a company called “Flourish” to open a Cylch Meithrin in the middle of Bridgend Town. It is expected to open in January 2022.
- 1.21 To share information about the bilingual journey with parents as early as possible to create the demand from birth by:
- forming stronger links with the local Health Board – every new parent to receive information about the bilingual journey on leaving the hospital;
  - FIS – continue to share info about Cymraeg i Blant free bilingual groups with new mums and dads – making them aware they don’t have to speak Welsh to attend;
  - sharing vital information on the bilingual journey when registering the birth of the child.
- 1.22 To share key bilingual messages on Council social media channels/mailshots to coincide with application for nursery/school places. To make the Welsh Medium offer an offer for all parents – ensuring that all early years’ staff and local flying start teams are familiar with the #Cymraeg2050 strategy and are confident in sharing local information with all their parenting groups. To promote the Welsh-medium offer



alongside other Council events/promotions i.e. childcare offers, fun days at local community centres or hubs.

### Where do we expect to be at the end of our ten year Plan?

*You should refer back to your ten year target and how commitments made under this Outcome supports your overall vision for increasing Welsh-medium education provision in your area.*

1.23 There has been much to consider when planning for a period of ten years the early years is still in a period of recovery from the impact of the pandemic. The service develops a CSA for Bridgend and the developments within this WESP document must align carefully with the CSA to ensure that all development within the early years sector must take place via both English and Welsh-medium in equal measure in order for the numbers of places to be equitable in both languages but also that parents are able to consider both mediums when considering provision for their child.

1.24 The four new Cymraeg 2050 settings have been designed to offer opportunities for full day care via the medium of Welsh this is an area that is highlighted within the CSA as a gap and is an integral part of the programme designed.

1.25 In addition to the education provision being delivered during the first five years, the following projects are planned for delivery by the end of the ten-year plan period:

- A dual-stream, two-form-entry entry school at Parc Afon Ewenni (subject to that site being taken forward in the next Local Development Plan) (ie 30 Welsh-medium places for three year-olds)
- A one form entry school at Porthcawl (ie 30 places for three year-olds)

Also, the local authority is undertaking an options appraisal process to create an additional one form entry provision central to the Bridgend area (ie 30 places for three year-olds).

### Key Data

*In the table below, add annual data projections that reflect what is set out above relating to this outcome. Please comment in this box.*

The following annual projections have been calculated using the base data provided by Welsh Government (ie 2019-2020) and incrementally increased in line with anticipated uptake in Welsh-medium education and the planned additional pupil places being available during the period of the 10 year plan, as programmed.

The 2031-2032 target of 255 full-time nursery learners aged 3-4 (ie 16.29%) sits between the lower and upper range target (ie 14%-18%). The number of part-time learners aged 2-3 fluctuate annually as the number of places available depends on the take-up of full time places. Therefore those learners have been excluded from the calculation. The 16.29% mid-point target is ambitious. However, it is considered achievable, should all of the deliverables within the plan come to fruition.

| Numbers and % of 3-year olds provisioned to receive their education through the medium of Welsh |        |             |        |             |        |             |        |             |        |
|---|--------|-------------|--------|-------------|--------|-------------|--------|-------------|--------|
| 2022 - 2023   |        | 2023 - 2024 |        | 2024 – 2025 |        | 2025 – 2026 |        | 2026 - 2027 |        |
| 150   | 9.58%  | 150         | 9.58%  | 170         | 10.86% | 180         | 11.50% | 185         | 11.82% |
| 2027 - 2028   |        | 2028 - 2029 |        | 2029 – 2030 |        | 2030 – 2031 |        | 2031 – 2032 |        |
| 190   | 12.14% | 210         | 13.42% | 230         | 14.70% | 245         | 15.65% | 255         | 16.29% |

## Outcome 2

### More reception class children/ five year olds receive their education through the medium of Welsh

#### Where are we now?

*Include as a baseline, any data (numbers /%) relevant to this outcome and an overview of what has been achieved during the previous plan period.*

- 2.1 Currently there are 162 pupil places available for reception age learners. The local authority has set a target of 300 reception places being available for Welsh-medium learners by the end of the plan period. The 300 reception places equates to 10 forms of entry, and the aim is to ensure those places are filled.

Grant funding opportunities from Welsh Government will be maximised in order to support the targeted increase in Welsh-medium primary provision.

The local authority will also continue to explore potential opportunities for delivering certain schemes wholly or partly via section 106, as a contribution for education places to serve new housing development, where applicable.



As at 2020-2021, there were 162 Welsh-medium reception class places which were distributed accordingly:

|   |    |
|---|----|
| Ysgol Gymraeg Bro Ogwr                      | 54 |
| Ysgol Cynwyd Sant                           | 45 |
| Ysgol Gynradd Gymraeg (YGG) Calon Y Cymoedd | 30 |
| Ysgol Y Ferch O'r Sgêr                      | 33 |

In January 2019, during the last plan period, YGG Calon Y Cymoedd (formerly known as Ysgol Gynradd Gymraeg (YGG Cwm Garw) relocated to a new school in an area which is considered a central location to serve the Garw and Ogmore Valleys.

While the relocated YGG Calon Y Cymoedd's published admission number (PAN) remained unchanged, the take-up of places at reception increased.

The following table sets out the total number of reception aged learners from January 2018 – 2021:

| January 2018 | January 2019 | January 2020 | January 2021 |
|--------------|--------------|--------------|--------------|
| 129          | 121          | 122          | 140          |

On average, over the period of the last plan, 79% of the 162 Welsh-medium reception pupil places available were filled.

Demand for Welsh-medium places has been more prevalent in the south east area of the county borough.

### Where do we aim to be within the first 5 years of this Plan and how we propose to get there?

*You may wish to include a high-level timeline against any proposed commitments to increase the number/ % of 5-year olds receiving their education through the medium of Welsh during the first 5 years of implementation (as a mid-way milestone), and another for the remainder of the Plan.*

#### 2.2 Ysgol Gymraeg Bro Ogwr

- During the first five years of the plan, the local authority is seeking to increase Welsh-medium primary school places to serve the Valleys Gateway, Bridgend and Pencoed areas of the county borough by enlarging and relocating Ysgol Gymraeg Bro Ogwr to an alternative nearby site.
- The new PAN will be 75 (ie 2.5 forms of entry).
- The proposal will be subject to a consultation process under the School Organisation Code during the academic year 2021-2022.

- The school will be funded by Welsh Government's 21<sup>st</sup> Century Schools and Colleges Programme plus BCBC capital funding.
- The new school, if approved, is scheduled to open in September 2025.

### **Ysgol Y Ferch O'r Sgêr**

- Ysgol y Ferch O'r Sgêr will be enlarged from its existing PAN of 30 to 60.
- The proposal has already been subject to a consultation process under the School Organisation Code and Cabinet approval has been received.
- Part funded by Welsh Government's revenue Mutual Investment Model funding and BCBC, the enlarged school will serve the west of the county borough.
- The new school is programmed to open in September 2024.

The above projects will result in the total number of pupil places for Welsh-medium reception learners increasing from 162 pupil places to 210 (ie 7 forms of entry) by the end of the first five years of implementation of the plan.

### **2.3 Porthcawl**

In addition, there is an aspiration to create a Welsh-medium seedling school to serve the Porthcawl area.

Currently, no funding has been allocated for the scheme. However, approval to submit an expression of interest to Welsh Government in respect of the Welsh-medium capital grant funding is being sought from Cabinet.

This scheme would inherently connect to a longer-term proposal to create a new one form entry school in Porthcawl.

### **2.4** Currently Welsh-medium primary schools and the Welsh-medium secondary school manage their own late comer learners. Each school provides information and guidance for parents and carers upon request.

The local authority will develop an overarching late comers' policy document which will aid schools, parents and carers. The document will detail the opportunities for late comers, provide guidelines, procedures, responsibility and accountability.

The policy document will be drafted and adopted within the first year of the plan period.

- 2.5 Central South Consortium (CSC) will provide professional learning and resources for teachers in Welsh-medium schools on how best to support latecomers. CSC will facilitate the sharing of good practice across the region in this area in collaboration with the current Welsh Immersion Unit in Cardiff and any other emerging provision going forward. Welsh in Education Officers will continue to provide bespoke support to individual or groups of schools.
- 2.6 A promotion plan will be discussed and developed which considers and addresses:
- the barriers to choosing a Welsh-medium education;
  - accessibility; and
  - proximity of provision.
- The plan will cover two elements. Namely, corporate promotion and the support that the local authority can provide to individual schools at a local level. The promotional plan will demonstrate that Welsh-medium education is for everyone. It will contain a template and resources that can be shared with the local community and also disseminated via social media.
- 2.7 Information regarding a Welsh-medium education which is detailed on the local authority's website will be reviewed to ensure that parents applying for places can easily navigate to the correct pages and locate relevant information.
- 2.8 The local authority will work with CSC to support English-medium schools in developing workforce and offering apprenticeships.
- 2.9 CSC will facilitate the sharing of good practice across the region in this area in collaboration with the current Welsh Immersion Unit in Cardiff and any other emerging provision going forward. Welsh in Education Officers will continue to provide bespoke support to individual or groups of schools.
- 2.10 The local authority will consider collaboration with other local authorities in terms of Language Immersion Unit provision. This work will be strategically planned over a period of time with the aim of increasing the percentage of Welsh taught in English-medium schools, which will be done by targeting participants and providing the necessary support to individual schools.
- 2.11 It is recognised that there is a need for developing bilingualism in Bridgend. Consideration will be given as to how other local authorities are transitioning from English to Welsh speaking. There is also a need to ensure the language spoken in the community is of a high-level to sustain the learners outside of school, and currently, this is not available within this geographical area.

## Where do we expect to be at the end of our ten year Plan?

*You should refer back to your ten year target and how commitments made under this Outcome supports your overall vision for increasing Welsh-medium education provision in your area.*

2.12 The 300 place target is applicable to each primary year group. This is essential in order to ensure continuity in education. By increasing the number of reception places from 162 to 300, it is reasonable to assume that the vast majority of those learners will transition into Year 1 and therefore, the target for both year groups must correspond.

2.13 As detailed at 2.1, the local authority will continue to seek grant funding opportunities from Welsh Ministers for capital build projects. Business cases will be robust and will clearly demonstrate the need for investment in Welsh-medium education.

2.14 In addition to the seven forms of entry which will be delivered during Band B, as outlined, there is a Cabinet commitment to deliver the following Welsh-medium provision during the next phase of the programme which aligns to the 10 Year Welsh in Education Strategic Plan:

- A one form entry school at Porthcawl (ie 30 PAN)
- A dual-stream two-form-entry school at Parc Afon Ewenni (subject to that site being taken forward in the next Local Development Plan) (ie 30 PAN for Welsh-medium pupils)

Also, the local authority is undertaking an options appraisal process to create an additional one form entry provision central to the Bridgend area (ie. PAN 30).

2.15 Subject to funding and the proposals detailed coming to fruition, at the end of the 10 year plan period there will be 10 forms of entry at primary school level, thereby increasing the number of places for reception age learners from 162 to 300.

2.16 The local authority will have developed an overarching late comers' policy document which will aid schools, parents and carers. The document will detail the opportunities for late comers, provide guidelines, procedures, responsibility and accountability.

2.17 The local authority will ensure that Welsh immersion is available for late comers so that learners can become fluent in Welsh and attend mainstream Welsh-medium schools. Consideration will be given to the requirements of establishing the unit within the period of the plan, and in the short-term, alternative interim measures will be put in place (ie funding schools for additional late comer support and/or collaboration

with other authorities where immersion units have already been established).

### Key Data

#### Numbers and % of 5-year olds receiving their education through the medium of Welsh

| 2022 – 2023 |        | 2023 - 2024 |        | 2024 – 2025 |        | 2025 - 2026 |        | 2026 - 2027 |        |
|-------------|--------|-------------|--------|-------------|--------|-------------|--------|-------------|--------|
| 140         | 8.94%  | 150         | 9.58%  | 160         | 10.22% | 170         | 10.86% | 190         | 12.14% |
| 2027 – 2028 |        | 2028 - 2029 |        | 2029 – 2030 |        | 2030 - 2031 |        | 2031 - 2032 |        |
| 200         | 12.78% | 205         | 13.10% | 235         | 15.02% | 250         | 15.97% | 265         | 16.93% |

*In the table below, add annual data projections that reflect what is set out above relating to this outcome. Please comment in this box.*

- 2.18 The following annual projections have been calculated using the base data provided by Welsh Government (ie 2019-2020) and incrementally increased in line with anticipated uptake in Welsh-medium education and the planned additional pupil places being available during the period of the ten-year plan, as programmed.
- 2.19 The 2031-2032 target of 265 reception pupils (ie16.93%) sits between the lower and upper range target (ie 14%-18%). Should all of the planned 300 pupil places fill, this would result in 19.16% of reception age pupils would be in receipt of a Welsh-medium education. The 16.93% mid-point target is ambitious. However, it is considered achievable, should all of the deliverables within the plan come to fruition.

## Outcome 3

### More children continue to improve their Welsh language skills when transferring from one stage of their statutory education to another

#### Where are we now?

*Include as a baseline, any data (numbers /%) relevant to this outcome and an overview of what has been achieved during the previous plan period.*

#### 3.1 Data

**The percentage of learners at the end of the Foundation Phase who reach at least Foundation Phase Outcome 5 in Language, Literacy and Communication Skills in Welsh-medium/bilingual schools.**

Data Source :AWCDS Bridgend Performance at LA Level

| Academic Year | Bridgend | Wales Average |
|---------------|----------|---------------|
| 2012/13       | 91.97%   | 86.73%        |
| 2013/14       | 91.37%   | 89.82%        |
| 2014/15       | 95.42%   | 91.34%        |
| 2015/16       | 92.50%   | 90.70%        |
| 2016/17       | 94.40%   | 90.90%        |
| 2017/18       | 90.20%   | 86.10%        |

This data is no longer available.

**The percentage of learners at the end of key stage 2 who reach at least Level 4 in teacher assessment in Welsh.**

Data Source :AWCDS Bridgend Performance at LA Level

| Academic Year | Bridgend | Wales Average |
|---------------|----------|---------------|
| 2012/13       | 93.41%   | 86.71%        |
| 2013/14       | 90.48%   | 88.10%        |
| 2014/15       | 94.74%   | 90.46%        |
| 2015/16       | 94.30%   | 90.80%        |
| 2016/17       | 98.30%   | 91.60%        |
| 2017/18       | 90.00%   | 89.70%        |

This data is no longer available.

**The percentage of learners at the end of key stage 3 who reach at least Level 5 in teacher assessment in Welsh.**

Data Source :AWCDS Bridgend Performance at LA Level

| Academic Year | Bridgend | Wales Average |
|---------------|----------|---------------|
| 2012/13       | 82.14%   | 87.58%        |
| 2013/14       | 89.11%   | 90.07%        |
| 2014/15       | 87.27%   | 90.90%        |
| 2015/16       | 89.60%   | 92.00%        |
| 2016/17       | 92.70%   | 93.50%        |
| 2017/18       | 91.30%   | 93.80%        |

This data is no longer available

**The percentage of learners at the end of key stage 4 who achieve grades A\*-C in GCSE Welsh first language.**

| Academic Year | BCBC  |        |  | All Wales                                |
|---------------|---|--------|--|--|
|               | Number achieving A*-C in Welsh First Language | Cohort | % achieving A*-C in Welsh First Language | % achieving A*-C in Welsh First Language |
| 2012/13       | 85  | 120    | 70.80%                                   | 73.50%                                   |
| 2013/14       | 63  | 97     | 64.90%                                   | 73.70%                                   |
| 2014/15       | 58  | 83     | 69.90%                                   | 75.20%                                   |
| 2015/16       | 77  | 92     | 83.70%                                   | 75.10%                                   |
| 2016/17       | 83  | 105    | 79.00%                                   | 74.20%                                   |
| 2017/18       | 58  | 74     | 78.40%                                   | 74.30%                                   |
| 2019/20*      | 73  | 101    | 72.30%                                   | **                                       |
| 2020/21*      | 74  | 100    | 74.00%                                   | **                                       |

\* BCBC data Internal calculations from SSSP not including Welsh Literature

\*\*No data available



**The percentage of learners at the end of key stage 4 who achieve grades A\*-C in GCSE Welsh Second Language Full Course.**

Data Source: Internal Calculations from SSSP (Data based on those completing course codes 50074076/50074040/C0011662)

| <b>Academic Year</b> | <b>Number of learners at the end of Key Stage 4 who achieve grades A*-C in GCSE Welsh Second Language Full Course</b> | <b>Cohort</b> | <b>% learners at the end of Key Stage 4 who achieve grades A*-C in GCSE Welsh Second Language Full Course</b> |
|----------------------|---|---------------|---|
| <b>2013/14</b>       | 367   | 392           | 93.60%  |
| <b>2014/15</b>       | 483   | 619           | 78.00%  |
| <b>2015/16</b>       | 462   | 585           | 79.00%  |
| <b>2016/17</b>       | 594   | 859           | 69.15%  |
| <b>2017/18</b>       | 644   | 1073          | 60.02%  |
| <b>2018/19*</b>      | 563   | 995           | 56.58%  |
| <b>2019/20*</b>      | 737   | 1122          | 65.68%  |

\* New Code introduced C0011662

**More students with advanced skills in Welsh (This relates to the numbers achieving A Level Welsh and Welsh Second Language quals)**

Data Source :  
Internal  
Calculations  
from SSSP

| <b>AS<br/>LEVEL<br/>SUB.</b> | Welsh First Language |                 |                   | Welsh Second Language |                 |                   |
|------------------------------|----------------------|-----------------|-------------------|-----------------------|-----------------|-------------------|
|                              | Cohort who sat exam  | Achieved A* - E | % achieved A* - E | Cohort who sat exam   | Achieved A* - E | % achieved A* - E |
| 2017/18                      | 13                   | 12              | 92.31             | 30                    | 29              | 96.67             |
| 2018/19                      | 12                   | 12              | 100.00            | 22                    | 20              | 90.91             |
| 2019/20                      | 9                    | 9               | 100.00            | 17                    | 17              | 100.00            |
| 2020/21                      | 12                   | 12              | 100.00            | 25                    | 25              | 100.00            |

| <b>A<br/>LEVEL<br/>ADV.</b> | Welsh First Language |                 |                   | Welsh Second Language |                 |                   |
|-----------------------------|----------------------|-----------------|-------------------|-----------------------|-----------------|-------------------|
|                             | Cohort who sat exam  | Achieved A* - E | % achieved A* - E | Cohort who sat exam   | Achieved A* - E | % achieved A* - E |
| 2017/18                     | 10                   | 10              | 100.00            | 29                    | 26              | 89.66             |
| 2018/19                     | 10                   | 10              | 100.00            | 14                    | 13              | 92.86             |
| 2019/20                     | 9                    | 8               | 88.89             | 15                    | 15              | 100.00            |
| 2020/21                     | 2                    | 2               | 100.00            | 9                     | 9               | 100.00            |

The data table below tracks the numbers of pupils transferring from one year in Year 6 into Year 7 the following year. Although it shows a decrease in numbers from Year 6 to Year 7 each year it is encouraging that the 'leakage' has reduced since 2017.

|      | Welsh Primary Schools Year 6 Pupils | YGG Llangynwyd Year 7 Pupils | Percentage increase/decrease |
|------|-------------------------------------|------------------------------|------------------------------|
| 2016 | 122                                 |                              |                              |
| 2017 | 119                                 | 110                          | -9.84                        |
| 2018 | 110                                 | 114                          | -4.2                         |
| 2019 | 131                                 | 106                          | -3.64                        |
| 2020 | 113                                 | 125                          | -4.58                        |
| 2021 |                                     | 112                          | 0.88                         |

It is pleasing to note the growth observed in numbers after the opening of the new school YGG Calon y Cymoedd (opened January 2019) (formerly YGG Cwm Garw). Please see table below.

PLASC Data All Pupils YGG Cwm Garw/YGG Calon y Cymoedd (opened January 2019\*)

|       | Nursery | Reception | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Total |      |
|-------|---------|-----------|--------|--------|--------|--------|--------|--------|-------|------|
| 2015  | 31      | 13        | 23     | 21     | 17     | 18     | 18     | 13     | 154   |      |
| 2016  | 23      | 31        | 15     | 21     | 20     | 17     | 17     | 18     | 162   | 5%   |
| 2017  | 20      | 21        | 29     | 14     | 21     | 17     | 15     | 17     | 154   | -5%  |
| 2018  | 31      | 20        | 18     | 26     | 13     | 20     | 16     | 12     | 156   | 1%   |
| 2019* | 27      | 28        | 21     | 20     | 28     | 14     | 20     | 15     | 173   | 11%  |
| 2020  | 35      | 23        | 29     | 23     | 21     | 30     | 13     | 20     | 194   | 12%  |
| 2021  | 35      | 30        | 25     | 30     | 28     | 22     | 29     | 14     | 213   | 9.7% |

**Welsh-medium proportion of the whole cohort for Year 3**

| YEAR 3 PUPILS (age 7-8) *excluding special schools and excluding dual registrations |     |                                    |     |      |                                  |                                |   |
|---|-----|------------------------------------|-----|------|----------------------------------|--------------------------------|---|
| PLASC Year (January)  | YBO | YCG/CYC (**CyC opened in Jan 2019) | YCS | YFOS | TOTAL Welsh-medium year 3 cohort | Year 3 cohort for all schools* | % Year 3 pupils in Welsh-medium education |
| 2016  | 65  | 20                                 | 37  | 27   | 149                              | 1631                           | 9.14%                                     |
| 2017  | 41  | 21                                 | 37  | 25   | 124                              | 1593                           | 7.78%                                     |
| 2018  | 55  | 13                                 | 41  | 29   | 138                              | 1694                           | 8.15%                                     |
| 2019**  | 64  | 28 **                              | 41  | 29   | 162                              | 1780                           | 9.10%                                     |
| 2020  | 53  | 21                                 | 38  | 24   | 136                              | 1713                           | 7.94%                                     |

- Given the small numbers involved, any difference year-on-year needs to be interpreted cautiously because a small change can impact on the proportions (eg one family move in/out of the area or a new school opens). The figures above show a similar pattern over the years with little variation. As part of our aspiration to meet ambitious targets set by Welsh Government, there has been a significant amount of promotional work designed to encourage more families to consider Welsh-medium education for their child/ren. Given that these are pitched at mothers from the birth of their child/ren, we anticipate that the increase in numbers should begin to feed through to Year 3 in approximately five years' time.
- While the actual number has decreased from 2019-2020, this is reflective of the smaller cohort. The proportion of the cohort learning through the medium of Welsh has remained similar to previous years, although 2019 showed a slightly higher figure – potentially related to the opening of Ysgol Gynradd Gymraeg Calon y Cymoedd in January 2019.

3.2 The pandemic offered the opportunity for some more intensive immersion work for latecomers to YGG Llangynwyd. This is an area of further development.

**Where do we aim to be within the first 5 years of this Plan and how we propose to get there?**

*You may wish to include a high-level timeline against any proposed commitments to increase the number / % of learners continuing to improve their Welsh language skills when transferring from one stage of their statutory education to another during the first 5 years of implementation (as a mid-way milestone), and another for the remainder of the Plan.*

3.3 As part of our aspiration to meet ambitious targets set by Welsh Government, there has been a significant amount of promotional work designed to encourage more families to consider Welsh-medium education for their child/ren. Given that these are pitched at mothers from the birth of their child/ren, we anticipate that the increase in numbers should begin to feed through to Year 3 in approximately five years' time.

3.4 CSC will continue to promote strategies for the effective use of Welsh in formal and informal situations across all sectors and age ranges. They will also continue to promote local, regional and national initiatives aimed at promoting Welsh as a subject and medium of education

3.5 CSC will work closely with the local authority and targeted schools where transition rates may be a cause of concern and publish resources to support and reassure parents/carers regarding transition between phases.

3.6 CSC will support the local authority providing advice, professional learning and resources to specific English-medium schools identified to increase the percentage of the curriculum taught through the medium of Welsh

3.7 CSC will support local, regional and national programmes for Welsh Language development by providing advice, professional learning and support to practitioners to acquire and improve their Welsh Language skills. This will increase the capacity of staff able to teach Welsh and through the medium of Welsh across all sectors.

3.8 CSC will continue to develop collaboration with the Welsh-medium secondary sector to provide subject specific professional learning particularly in areas of Welsh-medium practitioner shortage in the following ways:

- consider Welsh Language Immersion support across local authorities;

|      |  |
|------|--|
|      | <ul style="list-style-type: none"> <li>• provide opportunities for Welsh-medium schools to engage in initiatives to monitor linguistic progression eg comparative judgement;</li> <li>• facilitate collaboration between primary and secondary schools to produce resource that promote linguistic progression to parents/carers;</li> <li>• CSC will provide advice, professional learning and resources to support schools to implement Welsh across the Curriculum thus increasing the amount of learning provision offered.</li> <li>• CSC will continue to share good practice across the region in a variety of ways (eg webinars, podcasts, blogs and learning walks).</li> </ul> |
| 3.9  | Opportunities will be provided for Welsh-medium schools to engage in initiatives to monitor linguistic progression (eg comparative judgement).   |
| 3.10 | CSC will facilitate collaboration between primary and secondary schools to produce resource that promote linguistic progression to parents/carers.   |
| 3.11 | CSC will provide advice, professional learning and resources to support schools to implement Welsh Across the Curriculum thus increasing the amount of learning provision offered. The sharing of good practice across the region in a variety of ways (eg webinars, podcasts, blogs and learning walks).  |

**Where do we expect to be at the end of our ten year Plan?**

*You should refer back to your ten year target and how commitments made under this Outcome supports your overall vision for increasing Welsh-medium education provision in your area.*

**TBC**

|      |            |
|------|------------|
| 3.12 | <b>TBC</b> |
|------|------------|

**Key Data**

*In the table below, add annual data projections that reflect what is set out above relating to this outcome. Please comment in this box. **TBC***



## Outcome 4

### More learners study for assessed qualifications in Welsh (as a subject) and subjects through the medium of Welsh

#### Where are we now?

*Include as a baseline, any data (numbers /%) relevant to this outcome and an overview of what has been achieved during the previous plan period.*

- 4.1 The table below shows that the number of 14 to 16 year-old students studying Welsh as a first language (through the medium of Welsh) has remained stable at around 100 pupils per year. These numbers match the cohort size of the only Welsh-medium secondary school in the borough.

We have also included the numbers of students who have been entered for examinations in Welsh as a second language and the impact of the Welsh second language full course becoming compulsory in 2017.

|             | Welsh 1st Language | Welsh 2nd Language (Full) | Welsh 2nd Language (Short) |
|-------------|--------------------|---------------------------|----------------------------|
| <b>2016</b> | 98                 | 585                       | 784                        |
| <b>2017</b> | 99                 | 877                       | 769                        |
| <b>2018</b> | 77                 | 1185                      | *                          |
| <b>2019</b> | 99                 | 1094                      | *                          |
| <b>2020</b> | 100                | 1122                      | *                          |
| <b>2021</b> | 99                 | 1189                      | *                          |

\*In September 2017, full course GCSE Welsh second language became compulsory

- 4.2 The table below shows that the number of 16 to 19 year-old students studying Welsh as a first and second language declined in the year 2020. However, numbers increased again in 2021. Data is from WJEC USA files.

|             | Welsh 1st Language | Welsh 2nd Language |
|-------------|--------------------|--------------------|
| <b>2016</b> | 9                  | 22                 |
| <b>2017</b> | 10                 | 29                 |
| <b>2018</b> | 10                 | 14                 |
| <b>2019</b> | 9                  | 16                 |
| <b>2020</b> | 2                  | 9                  |
| <b>2021</b> | 9                  | 19                 |



- 4.3 YGG Llangynwyd Year 12/13 population figures from PLASC 2016-2021 show there was a decrease in the numbers continuing to study through the medium of Welsh, although this may be attributed in part to the smaller cohort size. The numbers have increased in 2021. We do not have data on numbers studying in college or work-based learning settings.

PLASC figures for YGG Llangynwyd

| Jan  | Year 12 | Year 13 |
|------|---------|---------|
| 2016 | 55      | 55      |
| 2017 | 69      | 42      |
| 2018 | 65      | 53      |
| 2019 | 45      | 49      |
| 2020 | 53      | 32      |
| 2021 | 66      | 48      |

- 4.4 There is strong collaboration arrangements are already in place between Bridgend and Rhondda Cynon Taf. There is also some collaboration with Bridgend College at post-16. Further education institutes (FEIs) are working to investigate demand for Welsh-medium provision for younger pupils (Year 10 and up) and to look at their capacity to deliver courses through the medium of Welsh.
- 4.5 Secondary schools are supported to take steps to increase the number of qualifications that learners can study through the medium of Welsh through collaboration. The local authority funds transport costs for collaborative courses offered
- 4.6 Welsh language is offered as A-level subject in schools, and schools are supported to maintain smaller class sizes through collaboration between schools to create a viable class size. Transport costs are provided by the local authority.
- 4.7 The following information illustrates the number of learners who study subjects through the medium of Welsh at YGG Llangynwyd.

**TBC**

**Where do we aim to be within the first five years of this plan and how we propose to get there?**

*You may wish to include a high-level timeline against any proposed commitments to increase the number/% of learners studying for assessed qualifications in Welsh (as a subject) and subjects through the medium of Welsh during the first five years of implementation (as a mid-way milestone), and another for the remainder of the Plan.*

- 4.8 Improved retention and transition rates may impact on this outcome during the first five years of this plan.
- 4.9 There may need to be a greater emphasis on blended/remote learning approaches in the first instance to ensure that pupils are able to access a wider range of courses (where there is not capacity to teach certain specialist subjects through the medium of Welsh at the moment).
- 4.10 The local authority will continue to work with secondary schools to coordinate the provision of Welsh as a subject in all settings. In Post-16 this is achieved via collaborations as most schools do not have viable numbers for a class. There could be a possibility that there is some virtual collaboration at key stage 4.
- 4.11 Working in collaboration with CSC the following areas will be addressed:
- ensuring high quality teaching and learning in all Welsh-medium schools;
  - increase in the number of pupils transferring from primary to secondary- ensuring high transition rates from all primary feeder schools;
  - promote the benefits of Welsh-medium education with parents/carers and how parents/carers can support even if they don't speak Welsh at home;
  - consider use of digital technology to increase qualification offer through the medium of Welsh for example explore e-sgol;
  - continue to develop collaboration with the Welsh-medium secondary sector to provide subject specific professional learning particularly in areas of Welsh-medium practitioner shortage;
  - develop and implement a strategic marketing strategy to promote Welsh as an A-level subject (use of social media, past pupil/parent experiences, promote advantages);
  - work with external providers and Welsh Government on any national initiatives to promote Welsh as an A-level subject; and
  - consider use of digital technology to increase qualification offer through the medium of Welsh.

**Where do we expect to be at the end of our ten year Plan?**

*You should refer back to your ten year target and how commitments made under this Outcome supports your overall vision for increasing Welsh-medium education provision in your area.*

4.12 This target will depend on current cohort numbers in the system. This outcome will be impacted by the extensive work that has been undertaken to attract early years into Welsh-medium provision. This will take time to come to fruition but should have been realised at the end of the ten-year plan.

4.13 There are various pieces of work which would have been embedded such as

- introduction of immersion for latecomers;
- opening of the new early years’ settings should be embedded;
- supporting parents to support their children;
- immersion for latecomers;
- training for education staff to learn Welsh; and
- improve the Welsh language for teaching (eg Welsh Government sabbatical scheme).

**Key Data**

*In the table below, add annual data projections that reflect what is set out above relating to this outcome. Please comment in this box.*

**TBC**

Numbers and % of learners studying for assessed qualifications in Welsh (as a subject) and subjects through the medium of Welsh

| 2022 – 2023 |  | 2023 - 2024 |  | 2024 – 2025 |  | 2025 - 2026 |  | 2026 - 2027 |  |
|-------------|--|-------------|--|-------------|--|-------------|--|-------------|--|
|             |  |             |  |             |  |             |  |             |  |
| 2027 – 2028 |  | 2028 - 2029 |  | 2029 – 2030 |  | 2030 - 2031 |  | 2031 - 2032 |  |
|             |  |             |  |             |  |             |  |             |  |

## Outcome 5

### More opportunities for learners to use Welsh in different contexts in school

#### Where are we now?

*Include as a baseline, any data (numbers /%) relevant to this outcome and an overview of what has been achieved during the previous plan period.*

5.1 The Council is committed to inspiring children and young people to use Welsh in all aspects of their lives. There is strong collaboration with CSC and the school to share good practice. Since launching the Siarter Iaith in our Welsh-medium schools and the Siarter Iaith Cymraeg Campus in our English-medium schools, innovative work has been undertaken by the schools to increase the social use of Welsh within the whole school community.

#### 5.2 Siarter Iaith Cymraeg Campus (English-medium)

|                   | Bronze | Silver | Gold |
|-------------------|--------|--------|------|
| Number of schools | 10     | 3      | 1    |

#### Siarter Iaith (Welsh-medium)

|                   | Bronze | Silver | Gold |
|-------------------|--------|--------|------|
| Number of schools | 4      | 4      |      |

Bryn Castell Special School and Maesteg School are currently involved in the Cymraeg Campus pilot for secondary schools

5.3 There are various activities for children and young people to become engaged with to ensure that they can experience Welsh as a living language. They are as follows:

- links with the Urdd (sporting, Eisteddfod, Glan Llyn, Llangrannog;
- visits into schools and regular sessions with post-16, Cymraeg Bob Dydd);
- links with Menter Iaith Bro Ogwr, mostly with post-16;
- school Eisteddfodau;
- Diwrnod Shwmae/Dydd Miwsig Cymru;
- trips – Tafwyl;
- visits/performances from Mr Phormula, Candela, Tudur Cloccio;
- Welsh assemblies;

- encouragement and training for staff to use Welsh in their lessons as much as possible;
- awards given by the pupils to one member of staff per half-term for the most use of Welsh in lessons;
- extra merits for pupils for use of Welsh;
- use of Welsh Swogs who consult with the Welsh department on content of learning and then deliver a section of this to their form classes;
- Criw Cymraeg;
- use of social media to encourage parents to use some Welsh too;
- use of the “Athrawes Fro”

5.4 Chrome books have been issued to children and young people in all Welsh-medium schools.

**Where do we aim to be within the first 5 years of this Plan and how we propose to get there?**

*You may wish to include a high-level timeline against any proposed commitments to increase opportunities for learners to use Welsh in different contexts in school during the first 5 years of implementation (as a mid-way milestone), and another for the remainder of the Plan.*

5.5 A sub-group of the WESP will be established to drive this area of work. Mapping of what is available from for example Urdd, Menter Iaith and ensure that there is good publicity. Involve youth workers in this area of work and the Youth Council to ensure that we have the voice of children and young people at the core of this development

5.6 Continue to develop an early engagement model of support for non-maintained settings in targeted areas to enhance children’s early linguistic experiences.

5.7 High quality Welsh Language, Literacy and Communication professional learning will be evident in schools and bespoke support for individual schools/clusters.

5.8 Professional learning and support for Welsh Language Immersion.

5.9 Resources to support the new curriculum will be developed.

5.10 Language Charter data will be shared with the WESP Forum on a regular basis. Promote the resources which are on the Welsh Government website.

5.11 Provide all schools with a designated CSC lead officer to support Language Charter and Cymraeg Campus progress. Promote, support, challenge and accredit all schools to make progress with the Language Charter and Cymraeg Campus Awards. Evaluate and share best practice.

|      |  |
|------|--|
| 5.12 | Support the language development and engagement with parents. The local authority will continue to work collaboratively with RHaG as members of the WESP Forum.  |
| 5.13 | Further develop the support that YGG Llangynwyd could provide for English-medium schools. Also consider the peer-to-peer support from the Welsh-medium primary schools, Bore Coffi.                        |
| 5.14 | An analysis to be undertaken of the workers in the Urdd and Menter Iaith.  |
| 5.15 | Support the development of the digital space for children and young people and an incentive to engage with the language. For example, Minecraft, Roblox  |
| 5.16 | Continue to align with the Council's Five-Year Welsh Language promotion Strategy 2021-2026. The lead officer is a member of the WESP Forum and also a member of the training and apprenticeship sub-group. |

**Where do we expect to be at the end of our ten year Plan?**

*You should refer back to your ten year target and how commitments made under this Outcome supports your overall vision for increasing Welsh-medium education provision in your area.*

- 5.17 All schools within Bridgend County Borough Council would have achieved the Gold status of Siarter Iaith and Siarter Iaith Cymraeg Campus.
- 5.18 An increase in the numbers of workers in the Urdd and Menter Iaith

**Key Data**

*In the table below, add annual data projections that reflect what is set out above relating to this outcome. Please comment in this box. **TBC***

| increasing opportunities for learners to use Welsh in different contexts in school |  |             |  |             |  |             |  |             |  |
|--|--|-------------|--|-------------|--|-------------|--|-------------|--|
| 2022 - 2023  |  | 2023 - 2024 |  | 2024 – 2025 |  | 2025 - 2026 |  | 2026 - 2027 |  |
|  |  |             |  |             |  |             |  |             |  |
| 2027 - 2028  |  | 2028 - 2029 |  | 2029 – 2030 |  | 2030 - 2031 |  | 2031 - 2032 |  |
|  |  |             |  |             |  |             |  |             |  |

## Outcome 6

**An increase in the provision of Welsh-medium education for pupils with additional learning needs (ALN) (in accordance with the duties imposed by the Additional Learning Needs and Education Tribunal (Wales) Act 2018**

### Where are we now?

*Include as a baseline, any data (numbers /%) relevant to this outcome and an overview of what has been achieved during the previous plan period.*

- 6.1 Bridgend County Borough Council (BCBC) has been fully involved and compliant with the preparation for the implementation of the Additional Learning Needs and Educational Tribunal Act (ALNET) (Wales) 2018 for September 2021. The Council will ensure that all necessary steps are taken to continue to comply with the ALNET Act in providing a bilingual system of ALN provision and support the 0 to 25 age range in line with the ALNET Act.
- 6.2 The Additional Learning Needs Code for Wales 2021 places a duty upon a local authority to keep additional learning provision under review. The Council will consider the extent to which these arrangements are sufficient to meet the ALN of children and young people for whom we are responsible.
- 6.3 The Council will give full consideration to the sufficiency of the ALP in Welsh and also the size and capability of the workforce which also involves consideration of the Welsh-medium workforce
- 6.4 BCBC has taken a proactive approach to reviewing their current position to respond to changes in demand and to make services fit for purpose in terms of addressing the current and future needs of children and young people with ALN. Following a procurement exercise, Peopletoo were commissioned in March 2020 by BCBC to undertake this Additional Needs Strategic Planning Review.
- 6.5 The review sought to:
- identify the current ALN needs of the school population and current ALN provision in Bridgend's 59 schools and pupil referral unit (PRU);
  - project the likely future ALN need (demand) and future provision to meet those needs (supply);
  - identify any gaps in provision;
  - explore the need for a BCBC ALN pupil database;
  - (if applicable) propose alternative models to meet the likely future ALN demand; and

- identify the required budget for possible options identified from the ALN provision review.

6.6 The review concluded in autumn term 2020 and one of the recommendations from the review was improving the breadth of and responsiveness of provision. In relation to Welsh-medium the recommendation is to review and revise the model of Welsh-medium moderate learning difficulties (MLD) provision to ensure that the approach is equitable to English-medium provision.

6.7 Learning Resource Centres (LRCs) have been opened at YGG Calon Y Cymoedd and YGG Llanygynydd for pupils with a diagnosis of autistic spectrum disorder (ASD). This means that if a pupil has a diagnosis of ASD and speaks Welsh, then that pupil can continue education through the medium of Welsh.

6.8 There is currently a sensory review being undertaken across CSC to consult upon establishing a regional sensory service.

**Where do we aim to be within the first five years of this plan and how we propose to get there?**

*You may wish to include a high-level timeline against any proposed commitments to increase the Welsh-medium education provision for learners with additional learning needs during the first five years of implementation (as a mid-way milestone), and another for the remainder of the plan.*

6.9 Monitor and review ALN provision in line with any emerging needs during the first five years of the WESP.

6.10 Continue to ensure all reasonable steps are taken to ensure all learners with ALN or emerging needs can access support from the Council's mainstream schools, special schools and advisory services through the medium of Welsh to ensure that there is full compliance with the ALNET Act 2018 and a bilingual system for pupils with ALN.

6.11 A strategic overview of workforce linguistic skill across all school will be in place.

6.12 In collaboration with CSC, curriculum provision and resources will be appropriate for any pupil with ALN in both Welsh-medium and English-medium schools.

6.13 Continue working with the Social Service and Wellbeing Directorate and Bridgend College to ensure appropriate provision and essential workforce.

6.14 Ensure that parents and carers are fully engaged.



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**Where do we expect to be at the end of our ten year Plan?**

*You should refer back to your ten year target and how commitments made under this Outcome supports your overall vision for increasing Welsh-medium education provision in your area.*

**TBC**

## Outcome 7

Increase the number of teaching staff able to teach Welsh (as a subject) and teach through the medium of Welsh

### Where are we now?

*Include as a baseline, any data (numbers /%) relevant to this outcome and an overview of what has been achieved during the previous plan period.*

- 7.1 Percentage of teachers in Welsh-medium schools.
- The % of teachers in WM schools as a % of all teachers in Bridgend is 8.17%.
  - The school staff involved in Welsh language sabbaticals are as follows:

#### **Welsh in a year September 2019 – August 2020.**

- Garth Primary School – CH
- St Mary's & St Patrick's Catholic Primary School – CM
- Nottage Primary School – MN
- Nottage Primary School – MD
- Llangynwyd Primary School – NT

#### **Welsh in a year September 2020 – August 2021**

- Newton Primary School – HJ
- Betws Primary School – JB

#### **Entry – January 2020**

- Pencoed Primary School – AD-J
- Pencoed Primary School – LH
- Pencoed Primary School – LP
- Pencoed Primary School – NC
- Penybont Primary School – BS
- St Mary's & St Patrick's Catholic Primary School – KB

Some other schools applied for the intermediate course during summer term 2020 but due to the pandemic, this had to be deferred until Summer 2021.

The intermediate course is new to the sabbatical course package and is aimed at teachers who have already undertaken one of the sabbatical courses in the past, but who may have lost confidence due to lack of opportunity to use their skills

The following schools applied:

- Trelales Primary School – IG
- Betws Primary School - TF
- Pencoed Primary School - – AW

There is no data currently available about school teachers who can teach through the medium of Welsh

- 7.2 Linking with the Council's Welsh Language Standards Five Year Strategy to maintain the number of Welsh speakers in Bridgend, the Welsh Language Standards Five-Year Strategy has been reviewed on an annual basis. The latest review shows the range of actions that have been taken to raise awareness and promote the use of Welsh language across the county borough. There is a new five year plan from September 2021.
- 7.3 Internally, there are a range of learning and development opportunities available to all employees, to improve language skills as well as raise their awareness of the language, including e-learning and courses to improve Welsh language skills. In recruiting to Welsh posts, adverts are also signposted on Menter Bro Ogwr's website.
- 7.4 There has been an impact on workforce planning and development because of the pandemic. There was no training was offered during March 2020 – July 2020. The 2020-2021 training programme in August 2020 and the revise delivery model was revised as face-to-face training was unable to be offered. Since August 2020 all training has been delivered remotely.
- 7.5 In relation to Welsh Language courses, the local authority continues to offer Cwrs Mynediad Year 1 qualification through the University of South Wales and the Welsh Language Meet and Greet courses to all local authority staff twice a year. We have also offered Work Welsh for the first time in 2020-2021 (as an initial pilot) delivered by the National Centre for Learning Welsh. We also continue to support employees to access Welsh courses in the community under the Welsh Language Protocol.
- 7.6 Therefore take up this year for Welsh Language is very similar to last year's figures in terms of qualifications offered.

**Where do we aim to be within the first five years of this plan and how we propose to get there?**

*You may wish to include a high-level timeline against any proposed commitments to identify the teaching staff needed to teach in Welsh (as a subject) and teach through the medium of Welsh during the first five years of implementation (as a mid-way milestone), and another for the remainder of the Plan.*

7.7 An audit of those school teachers who are able to teach through the medium of Welsh will be undertaken.

7.8 The following activity will be undertaken by the local authority, CSC and partners to identify and support the development of the workforce.

- CSC will continue to provide professional learning opportunities, develop resources, facilitate the sharing of good practice and provide bespoke support to individual or groups of schools across the region;
- Bridgend will continue to work closely with other local authorities in CSC in planning and supporting school staff across all sectors to further improve their Welsh language skills;
- CSC will continue to provide professional learning opportunities, develop resources, facilitate the sharing of good practice and provide bespoke support to individual or groups of schools across the region.
- Bridgend, in conjunction with the CSC, will ensure that the WESP will be taken into account during considerations regarding the Welsh-medium education standards of its schools
- consider school workforce annual census data on an annual basis to support workforce planning;
- use local knowledge and information gathered from CSC's Improvement Partner to supplement census data;
- the local authority will undertake an analysis to understand trends in vacancies and the vacancies that are required;
- consider the training and succession planning of learning support assistants (LSAs);
- ensure that staff from Welsh-medium schools are applying for relevant national leadership programmes and professional learning opportunities;
- ensure that staff from Welsh-medium schools are applying for relevant national leadership development programmes including the Aspiring Headteacher Programme leading to National Professional Qualification Headteachers (NPQH) qualification;
- monitor the number of Welsh-medium applicants on the national leadership programmes including destination reports for NPQH candidates;
- continue to work closely with initial teacher education (ITE) partnerships to support student teachers;
- CSC will work with ITE partnerships to ensure that Welsh-medium schools are identified as lead, training or placement schools;
- CSC will work with external partners to promote initiatives on routes into teaching and share any relevant information with schools;

- Professional learning and support to newly qualified teachers (NQT) teachers will be provided particularly through the role of regional induction mentors;
- analysis of the Language Framework data as a baseline for improvement required will be undertaken;
- Welsh Language Development professional learning at various levels will be provided by CSC;
- CSC will provide post-sabbatical support for practitioners engaged with sabbatical programmes; and
- through the work of the Welsh in Education Officer, CSC will provide advice, support and guidance to schools on how to accurately reflect the Welsh language skills of staff.

7.9 Once the School Workforce Annual (SWAC) has been completed on an annual basis, an analysis could be undertaken with regards to key categories, such as age etc. so that succession planning for example for retirement can be identified.

7.10 To continue to develop the training and apprenticeship sub-group of WESP.

**Where do we expect to be at the end of our ten-year plan?**

*You should refer back to your ten year target and how commitments made under this Outcome supports your overall vision for increasing Welsh-medium education provision in your area.*

TBC

## How we will work with others to achieve our vision

*Please outline how you will work in partnership with your Welsh in Education Planning Forum (if established in your local authority area) to prepare your Plan and how the forum will oversee its implementation and evaluation.*

*If there isn't an established Welsh in Education Planning Forum in your local authority, please outline how you will work in partnership with other organisations that play a key role in helping you to draw up, implement and evaluate your Plan.*

There is an established and effective Welsh in Education Forum in Bridgend.

In order to prepare the WESP ten-year plan, a planning day with WESP Forum members was held in summer term 2021. All WESP Forum members were invited to contribute to the plan and each outcome was led by a WESP Forum member. Templates were provided in order for members and their respective organisations to submit any further comments for the WESP by a given deadline in summer term 2021.

Monitoring will take place termly at each WESP Forum and also in the sub-groups which have been established and those sub-groups which will be established

The membership of the WESP Forum is as follows:

- Corporate Director - Education and Family Support;
- Cabinet Member - Education and Regeneration;
- Group Manager - Learner Support (Chair);
- Senior Welsh Education Planning Officer Welsh Government;
- Principal Advisor Employee Relations BCBC;
- School Programme Manager BCBC;
- Group Manager - Business Support;
- Group Manager - School Support;
- Early Years and Childcare Manager BCBC
- FIS and Childcare Development Officer BCBC;
- Consultation Engagement and Equalities Manager BCBC
- Head of Welsh for Adults Glamorgan;
- Chief Officer Menter Bro Ogwr;
- Regional Manager South East Wales Meithrin Cymru;
- Central South Consortium representative;
- Student Services and Welsh Manager Bridgend College;
- Lead Partnerships Officer Meithrin Cymru;
- Director of Development RhAG;
- Chair of RhAG Bridgend;
- RHaG representatives Bridgend;
- Lead Officer Urdd Gobaith Cymru;
- Swansea University representative;
- Headteacher - Ysgol Gyfun Gymraeg Llangynwyd;

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- Headteacher - Calon y Cymoedd;
- Headteacher - Ysgol Y Ferch O'r Sgêr;
- Headteacher - Afon y Felin;
- Headteacher - Pencoed Comprehensive School; and
- Head of Welsh - Brynteg School;

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14 SEPTEMBER 2021

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

#### APPOINTMENT OF LOCAL AUTHORITY GOVERNORS

##### 1. Purpose of report

- 1.1 The purpose of this report is to seek approval from Cabinet for the appointments of local authority governors to the school governing bodies listed at paragraph 4.1.

##### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
  - **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  - **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

##### 3. Background

- 3.1 In accordance with the Council's '*Guidance on the appointment of local education authority governors*' approved by Cabinet on 14 October 2008, officers have considered applications received for current and forthcoming vacancies for local authority governor positions on school governing bodies (see paragraph 4.1 and **Appendix A**).

##### 4. Current situation/proposal

- 4.1 For the two schools in the table below, two applicants met the approved criteria for appointment as a local authority governor and there was no competition for the vacancies. Therefore, the recommended appointments are:

| <b>Name</b>          | <b>School</b>          |
|----------------------|------------------------|
| Cllr John McCarthy   | Pencoed Primary School |
| Mr Christopher Berry | Ffaldau Primary School |

## **5. Effect upon policy framework and procedure rules**

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

## **6. Equality Act 2010 implications**

6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is, therefore, not necessary to carry out a full EIA on this policy or proposal.

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

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

### **Long-term**

While it is desirable for local authority governors to have previous or relevant experience of the role, in the short-term, the local authority may support any person for such an appointment who is interested in supporting schools, is not disqualified from being a school governor and is willing and able to dedicate the necessary time to the role.

### **Prevention**

The local authority assesses the suitability of applicants for the local authority governor vacancy/vacancies applied for. The local authority, in conjunction with the Central South Consortium, supports governors with a comprehensive programme of both mandatory and voluntary training and access to resources, to enable them to develop and maintain their knowledge and skills, and be successful in fulfilling the role.

### **Integration**

School governing bodies have a strategic role in running schools and ensuring that all pupils are supported to learn and achieve so that they can access opportunities for further learning and employment, know how to maintain their wellbeing, can play active roles in their communities and can contribute positively to society as a whole.

### **Collaboration**

School governing bodies have a strategic role in ensuring that schools safeguard the health and well-being of pupils and staff. The local authority, in conjunction with the Central South Consortium, provides training to governors to enable them to develop and maintain their relevant knowledge, skills and effectiveness in this respect.

## **Involvement**

The local authority treats all applications for local authority governor vacancies fairly, to ensure equality of opportunity. School governing bodies have a strategic role in ensuring that schools safeguard the health and well-being of pupils and staff. The local authority, in conjunction with the Central South Consortium, provides training to governors to enable them to develop and maintain their relevant knowledge, skills and effectiveness in this respect.

### **8. Financial implications**

8.1 There are no financial implications regarding this report.

### **9. Recommendation**

9.1 Cabinet is recommended to approve the appointments listed at paragraph 4.1.

**Mr Lindsay Harvey**

**CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT**

**7 September 2021**

**Contact officer:** Mandy Jones  
Learner Support Officer

**Telephone:** (01656) 642629

**Email:** Amanda.Jones@bridgend.gov.uk

**Postal address:** Education and Family Support Directorate  
Bridgend County Borough Council  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

**Background documents:** None

## Appendix A

### Local authority governor vacancies: current and forthcoming (up to the end of July 2021)

| Name of school                            | Number of current and forthcoming vacancies |
|---|---|
| Abercerdin Primary School                 | 2   |
| Brynmenyn Primary School                  | 1   |
| Cefn Cribwr Primary School                | 1   |
| Croesty Primary School                    | 1   |
| Llangewydd Junior School                  | 1   |
| Llangynwyd Primary School                 | 1   |
| Nantyffyllon Primary School               | 1 (ending July 2021)                        |
| Nantymoel Primary School                  | 2   |
| Newton Primary School                     | 2 (1 ending July 2021)                      |
| Nottage Primary School                    | 2   |
| Oldcastle Primary School                  | 3   |
| St Robert's Roman Catholic Primary School | 2   |
| Tondu Primary School                      | 1   |
| Tremains Primary School                   | 1   |
| Tynyrheol Primary School                  | 2 (1 ending July 2021)                      |
| Ysgol Gynradd Gymraeg Calon y Cymoedd     | 2   |
| Ysgol y Ferch o'r Sgêr                    | 1 (ending July 2021)                        |
| Coleg Cymunedol Y Dderwen                 | 1   |
| Porthcawl Comprehensive School            | 1 (ending July 2021)                        |
| <b>TOTAL VACANCIES</b>                    | <b>28</b>                                   |

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14 SEPTEMBER 2021

#### REPORT OF THE CHIEF OFFICER – LEGAL, HR & REGULATORY SERVICES

#### REVISED SOCIALLY RESPONSIBLE PROCUREMENT STRATEGY, ADOPTION OF THE MODERN SLAVERY STATEMENT AND UPDATE ON THE RESPONSE TO THE RECOMMENDATIONS OF THE PROCURING WELL-BEING IN WALES REPORT

##### 1. Purpose of report

- 1.1 The purpose of this report is to seek Cabinet approval for the adoption of the Socially Responsible Procurement Strategy and Modern Slavery Statement to take effect from 1 October 2021 and update Members on the response to the recommendations of the Procuring Well-being in Wales – Future Generations Commissioners for Wales' Section 20 Procurement Review Report.

##### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

**Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

##### 3. Background

- 3.1 The Council delivers its services directly through its own workforce, private and third sector organisations. The Council spends over £186 million a year procuring a diverse range of goods, services and works with over 4,000 suppliers and contractors.
- 3.2 The Council has a responsibility to manage public money with probity, to ensure that value for money is achieved and to manage it in such a way that we can support wider Council objectives.
- 3.3 In order for the Council to fulfil their responsibility and deliver the Council's objectives a Procurement Strategy and Delivery Plan is required.
- 3.4 The current procurement strategy is out of date and requires a full review of the vision of procurement across the Council, including the consideration of changes to legislation and new and updated policies and initiatives.

##### 4. Current situation/proposal

- 4.1 The Socially Responsible Procurement Strategy ("the Strategy") at **Appendix 1** to this report builds on the previous procurement strategy that established the

adoption of category management to improve procurement performance across the Council.

It sets out the Council's key procurement priorities through to 2024 and the key changes that it will make to improve the management of its external spend on goods, services and works. The Strategy is focused on the delivery of seven broad over-arching Organisational Procurement Objectives:

- Making procurement spend more accessible to local small businesses and the third sector.
- Improving Fair Work and Safeguarding practices adopted by suppliers.
- Increasing community benefits delivered by suppliers.
- Contributing to the Council's aim to be a Carbon-Neutral Council by 2030.
- Securing value for money and managing demand.
- Ensuring legal compliance and robust and transparent governance.
- Promoting innovative and best practice solutions.

4.2 The Strategy has been informed by the Council's corporate plan, Welsh Government and UK legislation and policy including the Wales Procurement Policy Statement, Well-being of Future Generations (Wales) Act 2015 and the draft Social Partnership and Public Procurement Bill (2021).

4.3 In particular, the Strategy places an increased emphasis on the delivery of economic, social, environmental and cultural well-being objectives relating to progressive procurement, such as the Foundational and Circular Economy, and preventing climate change by prioritising carbon reduction and zero emissions through more responsible and sustainable procurement.

4.4 The delivery of this Strategy will be managed through a delivery plan with progress reported by the Chief Officer – Legal, HR & Regulatory Services on an annual basis to the Corporate Management Board. The delivery plan will include detailed actions and KPIs.

#### Modern Slavery Statement

4.5 The Council will publish an annual Modern Slavery Statement setting out our commitments to ensuring modern slavery and human trafficking have no place in our business and supply chains.

4.6 The Modern Slavery Statement at **Appendix 2** to this report sets out the commitments we are making to manage and minimise the risk of slavery or trafficking occurring within day to day operations.

#### Response to the recommendations of the Procuring Well-Being in Wales – Future Generations Commissioners for Wales' Section 20 Procurement Review Report

4.7 In March 2020, the Council was one of nine public sector bodies that participated in the Procuring Well-Being in Wales - Future Generations Commissioner for Wales' Section 20 Procurement Review.

4.8 In March 2021 the Future Generations Commissioner for Wales published the Section 20 Procurement Review Report that highlighted key recommendations.

Based on the research and review phase of the Commissioner's procurement work, they identified some areas of strength, as well as further opportunities for development, when considering our contribution to the seven well-being goals and organisational well-being objectives and using the five ways of working to think differently about our approach to procurement.

4.9 A key strength for the council is the long-term approach to working collaboratively with the commissioning teams, considering the outcomes procurement can deliver.

4.10 An action plan has been developed to implement the main recommendations of the report which shall include:-

- Revise the current Council's Contract Procedure Rules (CPRs).
- Consider and act upon the awaited Welsh Government response to the report including making any necessary amendments to the CPRs.
- Update the CPRs following any changes to the procurement regulations.
- Update the council Pre-Tender Client Information Sheet to specifically request consideration of a Well-Being Impact Assessment, which includes longer-term implications of a purchasing activity.
- The development of the revised Procurement Strategy which shall address how opportunities to include the well-being objectives into procurement processes in line with the Well-being of Future Generations (Wales) Act 2015 can be maximised.
- Reduction in the use of Exemptions from tendering, in order to avoid the same contract rolling over with no opportunity for improved, or new, well-being obligations included in the contract terms.
- Commissioners will be encouraged to use the appropriate quality criteria in the context of future generations and carbon footprint.
- Increase collaboration with the Councils' Economic Development team and continue the existing work with the Centre for Local Economic Strategy initiative.
- Officers in the corporate procurement team will encourage the use of longer term contracting, rather than short term repeat exercises.
- Consideration is being given to amending the Pre-Tender Client Information Sheet Form to greater reflect the Well-being of Future Generations (Wales) Act 2015 and how it could be adapted in the future to take into account any decision made by Welsh Government in respect of the Real Living Wage.
- Continue to explore the use of the Themes, Outcomes and Measures tool (TOMS) in our procurement process.
- Encourage commissioners and key stakeholders to actively take part in internal and external groups in order to share learning and develop best practice.
- Continue with the work on the Cardiff Capital Region City Deal and encourage sharing best practice.
- Continue working with our cluster, Cwm Taf and Bridgend Public Service Boards, to develop an anchor institution with the support from the Centre for Local Economic Strategy.

## **5. Effect upon policy framework and procedure rules**

5.1 The Socially Responsible Procurement Strategy is an important document setting out procurement practices and actions the Council will take in respect of its procurements and in line with internal and external policies and procedures.

## **6. Equality Act 2010 implications**

6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

## **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 The strategy is essential not just in providing a strategic direction and framework for the Council's procurement arrangements but in terms of securing value for money and will continue to support directorate savings from the Council's external spend.

## **9. Recommendations**

9.1 It is recommended that Cabinet:

- (i) approve and adopt the revised Socially Responsible Procurement Strategy attached at **Appendix 1** to this report to take effect from 1st October 2021;
- (ii) approve and adopt the Modern Slavery Statement attached at **Appendix 2** to this report to take effect from 1<sup>st</sup> October 2021;
- (iii) delegate authority to the Chief Officer – Legal, HR & Regulatory Services to conduct an annual review of the Modern Slavery Statement, make amendments to that statement as appropriate and publish the Modern Slavery Statement every financial year as required;
- (iv) Note the responses to the recommendations of the Procuring well-being in Wales Report as outlined in Section 4.10 of this report.

Kelly Watson

**CHIEF OFFICER – LEGAL, HR & REGULATORY SERVICES**

01 September 2021

**Contact officer:** Rachel Jones  
Corporate Procurement Manager

**Telephone:** (01656) 642596



**Email:** Rachel.jones2@bridgend.gov.uk

**Postal address:** **Corporate Procurement  
Legal & Regulatory Services  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB**

**Background documents:** None

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**Bridgend County Borough Council**  
**Socially Responsible Procurement Strategy**

**2021 - 2024**

**Draft 3.2**

**7<sup>th</sup> September 2021**

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## Foreword

Bridgend County Borough is a great place to live and work but like the rest of the world it has been impacted by the Covid-19 pandemic. As we look to recover from the impacts of Covid-19 we want to utilise the Council's annual spend of over £186m to support the local and regional economy. Our first Socially Responsible Procurement Strategy puts delivering economic, environmental, social and cultural well-being at the heart of what we do. The Council recognises that procurement will be one of the key tools that enables the Council to deliver its strategic priorities and in ensuring that the Council buys the right thing at the right time for the right price.

As set out in our Corporate Plan Well-being Objective 3 - Smarter use of resources *"We recognise that we need to continue to make smarter use of our resources, looking at different ways of delivering services, embracing technology and working with partners and our communities to deliver financially sustainable services for the long term. In this way we can maximise our contribution to achieving our well-being objectives and improving well-being for our citizens while achieving those planned savings."*

The Council faces a number of well-documented challenges including our response to the impact of the Covid-19 pandemic on our communities and businesses, our response to the climate emergency and our response to managing ongoing budgetary constraints at a time of increasing demand for services. We want to use our procurement programme to:

- Support implementation of the Council's 2030 Decarbonisation Strategy and the circular economy;
- Maximise opportunities for local businesses, particularly those who demonstrate fair work practices;
- Support the foundational economy;
- Maximise the delivery of social value / community benefits;
- Act as a key driver to achieving our wellbeing ambitions and as a driver of organisational change;
- Deliver value for money whilst considering the whole life cost.

**Mark Shephard – Chief Executive/ Cllr Huw David Leader of the Council**

## Why Procurement is Important to Bridgend

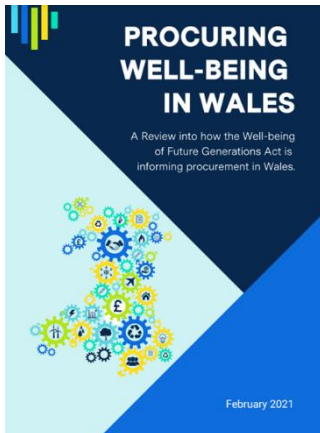
Bridgend County Borough Council delivers a wide range of statutory and discretionary services to over 147,000 residents. The Council does this through its own workforce and through over 1,700 private and third sector organisations.

The Council has a responsibility to manage public money with probity and to ensure that its £186m of annual procurement spend is managed in such a way that it supports the delivery of wider Council priorities. This Strategy sets out:

- Procurement's role in supporting the delivery of the Council's three main Corporate Well-being objectives (see Fig 1) and Directorate Business Plans.
- How the Council will ensure that value for money is achieved.
- Seven key procurement priorities and what the Council will do to deliver these priorities and how delivery will be demonstrated.
- The key changes that will be made to improve the management of its external spend on goods, services and works.
- What the Council will do to enhance procurement capacity and expertise



Figure 1: The Council's 3 Wellbeing Objectives



The Future Generations Commissioner for Wales 2021 report "*Procuring Well-being in Wales*" identified a number of challenges and constraints in procuring sustainably including:

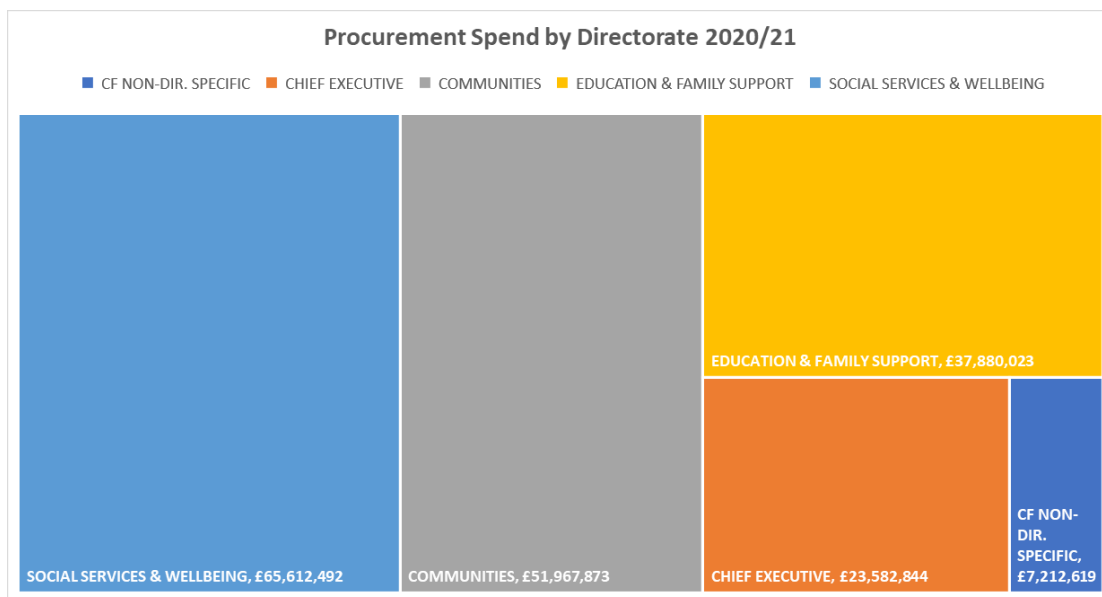
- Organisational buy-in, leadership involvement and engagement
  - Leaders failing to view procurement as an important function or lever in meeting corporate (well-being) objectives.
- Insufficient resources and capacity within the procurement function and amongst procurement professionals.

## How we manage Procurement

The Council's seven strong Procurement Team uses a category management approach and works with Directorates to deliver their requirements, whilst providing corporate oversight to the Council. They:

- Aim to ensure that procured services deliver good value for money.
- Look to utilise the efficiency offered by regional and national frameworks.
- Are actively engaged in the decarbonisation work and the 21<sup>st</sup> century school modernisation programmes.
- Provide procurement support to infrastructure projects, including as outcomes to the Cardiff Capital Region City Deal that will see significant and extensive investment in infrastructure and business within the County Borough.
- Enable economic regeneration through procurement and collaboration with internal and external partners.
- Are exploring the potential to maximise the delivery of social value by implementing the use of the Welsh TOMs.
- Are working to embed the "5 Ways of Working" into the procurement processes and raise awareness with suppliers.

## Procurement Spend



In 2020/21 the Council spend with third parties was £186m of which £172m was revenue spend and £14m capital spend. The chart show that the highest spend was by the Social Services and Well-being Directorate (£66.6m) followed by the Communities Directorate (£52.0m).

## Procurement Context

There are a number of priorities, policy aspirations and legislative requirements that have been taken into account when developing this Strategy. These include:

### UK Legislative Context

The Council's procurement of goods, services and works are primarily governed by the Public Contract Regulations 2015 (PCRs 2015) which transposed EU Directives and EU Treaty Principles into UK law. The PCRs 2015 are grounded in the principles of free movement of goods, freedom of establishment and freedom to provide services. These principles are underpinned by equal treatment, non-discrimination, mutual recognition, proportionality and transparency.

In response to the UK leaving the EU, the UK Government issued a Green Paper: Transforming Public Procurement and the consultation closed in March 2021. The UK Government's stated aim is to speed up and simplify procurement processes, place value for money at their heart, and unleash opportunities for small businesses, charities and social enterprises to innovate in public service delivery. It will also look to enshrine in law, the principles of public procurement: value for money, the public good, transparency, integrity, efficiency, fair treatment of suppliers and non-discrimination.

In addition to the PCRs 2015 the Council needs to ensure that its procurement policies and practices adhere to a range of additional legislative requirements including the Equality Act 2010.

### The Well-being of Future Generations (Wales) Act 2015

This is a key piece of legislation that focuses on improving the social, economic, environmental and cultural well-being of Wales. The aim of the Act is to help create a Wales that we all want to live in, now and in the future. Procurement is one of the seven corporate areas for change in the Act's statutory guidance and the Act recognises the important role procurement can play:

“The role of procurement will be an important part of how a public body allocates resources under the Act. It is expected that public bodies comply with their existing legal obligations in relation to procurement and that they also apply the Wales Procurement Policy Statement. This Policy adopts the Sustainable Procurement Task Force's definition of sustainable procurement

...

This sets out the procurement practices and the specific actions expected of every public sector organisation in Wales”



Well-being goals: Source - Welsh Government



### **The Social Services and Well-being (Wales) Act 2014**

This Act introduced a duty on local authorities and local health boards to promote the development (in their area) of not for profit organisations to provide care and support for carers, and preventative services. These models include services across the range that make up the third sector - social enterprises, co-operative organisations, co-operative arrangements, and user-led services.

### **Social Partnership and Public Procurement (Wales) Bill**

The Bill is expected to be enacted in 2022 and sets out a range of actions the Council will need ensure it implements. This includes publishing a Socially Responsible Procurement Strategy that will set out how the Council will carry out procurement in a socially responsible way, how it will secure value for money and how it will ensure payment of invoices within 30 days. There will also be a requirement to publish an annual Procurement Report, maintain and publish a contracts register and publish a contract forward plan / pipeline.

The Council will be required to carry out procurement in a socially responsible way by taking action, in accordance with the sustainable development principle, aimed at contributing to the achievement of— (a) the well-being goals listed in section 4 of the Well-being of Future Generations (Wales) Act 2015, and (b) the fair work goal (within the meaning given by section 4), referred to for the purposes of this Part as the “socially responsible procurement goals.” A Council must set and publish objectives designed to maximise its contribution to achieving the socially responsible procurement goals.

### **The Wales Procurement Policy Statement (WPPS)**

The third [WPPS](#) published in March 2021 sets out the ten principles the Welsh Government expects the Welsh public sector to follow for procuring well-being for Wales based on the Well-being of Future Generations (Wales) Act Goals and key Welsh Government policies. They include:

- Leveraging collaborative procurement activity in Wales to maximise long-term sustainable social and economic value outcomes from public spend.
- Supporting Welsh Government policy objectives relating to progressive procurement, such as the Foundational and Circular Economy.
- Preventing climate change by prioritising carbon reduction and zero emissions through more responsible and sustainable procurement.
- Collaborating with stakeholders to promote equal opportunities and fair work in Wales.
- Improving the integration and user experience of our digital solutions and applications, maximising the use of our procurement data to support decision-making.



## Welsh Government Initiatives

**Community Benefits** – aimed at delivering maximum value for the Welsh pound when tendering contracts.

**Code of Practice – Ethical Employment in Supply Chains** – Bridgend Council has signed up to the Code of Practice’s 11 commitments including the following employment issues:

- Modern Slavery and human rights abuses.
- Blacklisting.
- False self-employment.
- Unfair use of umbrella schemes and zero hours contracts.
- Paying the Living Wage.



**Opening Doors: The Charter for SME Friendly Procurement** – recognises that 99% of Welsh businesses are SMEs and their important role in the Foundational Economy. The Charter sets out a range of public sector commitments to SMEs and SME commitments to the public sector.

**Wales Procurement Policy Notes** – a series of Guidance notes for the Welsh Public sector.

**Progress towards the Development of a New Procurement Landscape for Wales** – recognises the role of procurement for supporting delivery against a number of important policy areas. It sets out 7 commitments that recognise that a new procurement approach is required in Wales and 7 commitments that the Welsh Government will take toward procurement. These are underpinned by 9 procurement transformation strands.

**UK Steel Charter** – the Council has signed the Charter and has committed to implementing the steps when appropriate to do so, including the following:

- Place a requirement in our appropriate contracts requiring the origin of steel to be provided.
- Stipulate use of steel products accredited to BRE Standard BES 6001 in appropriate contracts.
- Introduce a requirement for tender applications to include supply chain plans.

## Bridgend and the Cardiff Capital Region Context

The Cardiff Capital Region (CCR) City Deal was signed in March 2016 and is an agreement between the UK government, the Welsh government and the ten leaders of the local CCR. It includes £1.2 billion investment in the Cardiff Capital Region’s infrastructure through a 20-year Investment Fund.

### Council Policy Drivers

The **Corporate Plan 2018-23** sets out the Council's ambitions and commitments to citizens and its contribution to Wales' seven well-being goals as outlined in the Well-being of Future Generations (Wales) Act 2015. The vision is "*one Council working together to improve lives*". The Plan sets out the key principles that "underpin how we work" and the values that "shape how we work". The Corporate Plan is updated on an annual basis and has 3 well-being objectives:

1. Supporting a successful and sustainable economy.
2. Helping people and communities to be more healthy and resilient.
3. Smarter use of resources.

**Directorate Business Plans** set out how each Directorate will contribute to the delivery of the Council's well-being objectives. They set out the actions the Directorate will take to achieve the Corporate Plan outcomes and how they will be measured.

There are a number of other key Policies, Strategies and Programmes that will influence this Strategy and in particular the Delivery Plan that sets out how the seven priorities will be delivered. They include:

- Decarbonisation Strategy.
- Covid-19 Recovery Plans.
- Digitisation Programme.
- Transformation Programme.

## Organisational Procurement Objectives

The Well-being of Future Generations (Wales) Act 2015 sets out the important role that procurement has in delivering well-being goals. The draft Social Partnership and Public Procurement (Wales) Bill states that the Council “*must set and publish objectives designed to maximise its contribution to achieving the socially responsible procurement goals.*” The Council’s seven Organisational Procurement Priorities set out how the Council’s procurement activity will contribute towards improving local economic, social, environmental and cultural well-being.

1. Making procurement spend more accessible to local small businesses and third sector.
2. Improving Fair Work and Safeguarding practices adopted by suppliers.
3. Increasing community benefits delivered by suppliers.
4. Contributing to the Council’s aim to be a Carbon-Neutral Council by 2030.
5. Securing value for money and managing demand.
6. Ensuring legal compliance and robust and transparent governance.
7. Promoting innovative and best practice solutions.

## Making procurement spend more accessible to local small businesses and third sector



A Prosperous Wales



A Wales of Cohesive  
Communities

### Aim

- To ensure that procurement decisions consider how local market can best be supported.

### We will do this by

- Developing and then publicising a Selling to Council Guide to local businesses so they are clear about how to do business with the Council.
- Publish our Corporate Contracts Register on the Council's website so businesses are aware of the likely procurement opportunities.
- Undertake targeted engagement and 'Meet the Buyer' events with Third Sector and local businesses.
- Ensuring that lotting strategies that support SMEs are used.
- Undertaking market analysis so that informed procurement decisions can be made.
- Analyse spend data and business directories to identify opportunities to increase local supply.
- Ensure that the Council applies prompt payment for SMEs.

### We will demonstrate delivery by

- Increasing the number of business accessing and being successful when tendering for Council opportunities.
- Increasing the spend with local businesses.

## Improving Fair Work and Safeguarding practices adopted by suppliers



A Healthier Wales



A Wales of Cohesive  
Communities



A More Equal Wales

### Aim

- To ensure that fair work principles are promoted across the Council and procurement processes increase fair work practices that help tackle poverty and inequality.

### We will do this by

- Working towards the Welsh Government Fair Work Guidance including the Code of Practice: Ethical Employment in Supply Chains.
- Applying Fair Work criteria in all tenders and applying appropriate weightings.
- Supporting the development and implementation of the Council's Modern Slavery Statement.
- Encouraging contractors to provide equality training.
- Ensuring contractors know how to identify and report safeguarding concerns.

### We will demonstrate delivery by

- Delivering against the 11 principles of the Code of Practice: Ethical Employment in Supply Chains.

## Increasing community benefits delivered by suppliers



A Prosperous Wales



A Wales of Cohesive  
Communities



A More Equal Wales

### Aim

- To increase the value of community benefits delivered through Council contracts.

### We will do this by

- Adopting and rolling out the use of the Welsh TOMs as a scored element in all tenders over £100,000.
- Making the 'community benefit offer' of the successful tenders a contractual commitment and contract managing delivery.
- Raising awareness of community benefits internally to address any organisational culture barriers.
- Reviewing community benefit implementation and adapting the approach as required.
- Encouraging tenderers to provide employment, training and work placement opportunities.

### We will demonstrate delivery by

- Increasing the volume and value of community benefits delivered through Council Contracts.

## Contributing to the Council's aim to be a Carbon-Neutral Council by 2030



### Aim

- Embed a procurement processes that addresses climate change and a circular economy approach.

### We will do this by

- Support initiatives that raise the awareness on climate change and circular economy – both internally and with suppliers.
- Consider circular procurement when scoping requirements to minimise waste.
- Learn from best practice and work with partners to develop a carbon baselining approach.
- Increasingly use a whole life costing approach in tender evaluations.

### We will demonstrate delivery by

- Reporting on carbon reduction through the Council's 2030 Decarbonisation Governance Board.



## Securing value for money and managing demand

### Aim

- Ensure the achievement of value for money in terms of whole life costs and quality and that we operate efficiently.

### We will do this by

- Continuing to manage and organise our procurement activities using a category management approach.
- Managing procurement demand across the Council and promote a 'Buying Responsibly' campaign.
- Utilising regional and national framework agreements where they represent value for money.
- Embedding a robust and proportional contract management approach.
- Working with Directorates to review their spend procurement data and Contract Forward Plan to identify opportunities to manage demand and/or drive efficiencies.
- Supporting and encouraging Directorates to use the "5 Ways of Working" when planning their procurements.

### We will demonstrate delivery by

- Reporting of procurement's contribution to savings targets.

## Ensuring legal compliance and robust and transparent governance

### **Aim**

- Ensure Council staff have awareness of, and comply with, relevant legislation and the Council's Contract Procedure Rules.

### **We will do this by**

- Ensuring staff involved in the procurement process have the required skills, knowledge and tools to work effectively.
- Regularly reviewing and updating procurement documentation to ensure they reflect best practice.
- Ensuring procurement documentation, processes and controls are in place to ensure compliance.
- Regularly reporting on procurement activity and non-compliance to Corporate Management Board.
- Publishing an annual procurement report

### **We will demonstrate delivery by**

- Publishing an annual Procurement Report.

## Promoting innovative and best practice solutions

### **Aim**

- Encourage and utilise innovation where it can reduce costs and /or improve effectiveness.

### **We will do this by**

- Reviewing the procurement forward pipeline to identify innovation opportunities.
- Ensuring early and ongoing Directorate engagement to scope and deliver their requirements.
- Challenging Directorates over existing procurement arrangements.
- Seeking examples of market innovations and best practice.

### **We will demonstrate delivery by**

- Reporting and developing case studies to highlight best practice.

## Key Enablers

The Council has identified five key enablers that will be critical to the delivery of this Strategy:

### People

- Continue to invest in our People to ensure that the Procurement Team has the right mix of skills, knowledge and expertise.
- Ensure staff across the Council have the procurement skills, knowledge and tools to work effectively and independently.

### Process

- Simplify and standardise our core processes and ensure our controls ensure compliance.
- Ensure that standard templates are in place for key procurement and contracting documentation and that these are regularly reviewed.

### Technology

- Invest in the use of technology and e-procurement to underpin and simplify our core processes for both staff and suppliers.
- Improve our Purchase to Pay (P2P) processes to drive efficiency savings.

### Information

- Provide staff with accurate timely spend data to inform procurement decisions and identify savings opportunities.
- Produce an annual procurement performance report.
- Support Directorates to optimise their spend in the achievement of their strategic objectives.

### Culture

- Develop a culture that is innovative and challenges traditional delivery to improve what we do and drive savings.
- Ensure that staff understand and appreciate the rules and policies of the Council.
- Ensure that there is positive engagement with staff across the Council to support and encourage the delivery of innovative solutions within the agreed Council rules and wider legislation.

## Monitoring, Reviewing and Reporting

A detailed Delivery Plan will be developed and shall set out the actions that the Council will take to deliver this Socially Responsible Procurement Strategy. This Delivery Plan will be updated on an annual basis and will be used to manage and report on progress on an annual basis to Corporate Management Board.

The Council will publish a procurement annual report at the end of each financial year. The report will include:

- A progress report on the implementation of the Socially Responsible Procurement Strategy Delivery Plan.
- A summary of the contracts awarded above PCRs 2015 Thresholds.
- Details of a review into the extent to which Council contracts contributed to improving well-being in Bridgend.
- A statement of the how the Council intends to further improve the delivery of economic, social, environmental and cultural well-being.
- A summary of the procurement the Council expects to carry out in the next two financial years.

## Supplier Support and Further Information

**Bridgend Council's Procurement** website <https://www.bridgend.gov.uk/procurement> will include the **Socially Responsible Procurement Strategy Delivery Plan** which sets out how the Council will deliver the Strategy and the annual Procurement Report.

**Bridgend Council's Corporate Contracts Register** - <https://www.bridgend.gov.uk/business/contracts-awarded/>

**Business advice and support** - <https://www.bridgend.gov.uk/business/business-zone/business-advice-and-support/> Sell2Wales is the national advertising portal where Welsh public sector organisations post their contract opportunities. <https://www.sell2wales.gov.wales/>

**Etenderwales** – is the portal for conducting all tenders

<https://etenderwales.bravosolution.co.uk/web/login.shtml?ncp=1387297456320.119009-1>

**Constructionline** – is the portal that Bridgend Council utilise for tenders up to the value specified in the council's Contract Procedure Rules for Works - <https://www.constructionline.co.uk/>

**Contact Details** – Corporate Procurement Unit, Level 4, Civic Offices, Angel Street, Bridgend, CF31 4WB

Email – [procurementteam@bridgend.gov.uk](mailto:procurementteam@bridgend.gov.uk)

Telephone – 01656 642596

Website – [www.bridgend.gov.uk/procurement](http://www.bridgend.gov.uk/procurement) (from 2022)

# Bridgend County Borough Council

## Modern Slavery Statement

Financial Year: 1 April 2021 to 31 March 2022

### 1. Overview

Bridgend County Borough Council delivers a wide range of statutory and discretionary services to over 147,000 residents. The Council does this through its own workforce and through over 1,700 private and third sector organisations.

The Council is a signatory to the Welsh Government's [Code of Practice: Ethical Employment in Supply Chains](#). The Code of Practice includes the following employment issues:

- Modern Slavery and human rights abuses
- Blacklisting
- False self-employment
- Unfair use of umbrella schemes and zero hours contracts and
- Paying the Living Wage

The Code's 12 commitments include tackling Modern Slavery and Human Trafficking. This Statement sets out the action that the Council has taken, and will take, to ensure that there is no Modern Slavery and Human Trafficking in its own business or supply chains.

Bridgend County Borough Council is fully committed to providing visibility to its Modern Slavery Statement and ensuring 'Transparency in Supply Chains'. To this end the Council is working in partnership with Welsh Government, the wider public sector, suppliers, service providers, trade unions and others to address modern slavery challenges and drive collaborative action with a view to reducing risks and incidence of modern slavery.

### 2. What is Modern Slavery?

In the UK, the Modern Slavery Act 2015 defines criminal offences of slavery, servitude and forced or compulsory labour and of human trafficking, and includes measures for the protection of potential victims.

Modern Slavery is a serious crime that violates human rights. Victims are forced, threatened or deceived into situations of subjugation, degradation and control which undermine their personal identity and sense of self.

The Council is fully aware of its designation as a 'First Responder' organisation under the National Referral Mechanism and its responsibility to identify potential victims and refer cases to the UK Human Trafficking Centre Competent Authority of the National Referral Mechanism.

### 3. Our Policies

The [Corporate Plan 2018-23](#) sets out the Council's ambitions and commitments to citizens and its contribution to Wales' seven well-being goals as outlined in the Well-being of Future Generations (Wales) Act 2015. The vision is "one Council working together to improve lives". The Plan sets out the key principles that "underpin how we work" and the values that "shape how we work".

The Corporate Plan is updated on an annual basis and has 3 well-being objectives:

1. Supporting a successful and sustainable economy.
2. Helping people and communities to be more healthy and resilient.
3. Smarter use of resources.

The Council's over-arching **Corporate Safeguarding Policy** ([ADD LINK](#)) sets out the Council's duty and commitment to safeguard and promote the wellbeing of children, young people and adults at risk and to ensure that effective practices are in place throughout the Council and its commissioned services. The policy covers all functions and services of the Council and applies to all Council employees, elected members, foster carers, individuals undertaking work placements and volunteers working within the Council.

The other key strategies and policies include:

- The Council's **Socially Responsible Procurement Strategy** ([ADD LINK](#)) sets out the Council's commitment to "Improving Fair Work and Safeguarding practices adopted by suppliers." The Council wants to work with organisations that share its values.
- The Council has adopted the [Welsh Government's Code of Practice on Ethical Employment in Supply Chains](#) and the elimination of modern slavery, so that Bridgend County Borough Council plays a leading role in making Wales hostile to modern slavery.
- The [Whistleblowing Policy](#) enables Council staff and employees of the Council's contractors / suppliers to report unethical employment practices to the Council.
- **Employee Code of Conduct** makes it clear to employees the actions and behaviour expected of them when representing the Council. In performing their duties, they must act with integrity, honesty, impartiality and objectivity. The organisation strives to maintain the highest standards of employee conduct and ethical behaviour in all its operations and when managing our supply chain.
- **Recruitment policy** - the Council aims at all times to recruit the person who is most suited to the particular job. The Council has robust recruitment processes, which



includes document checks to ensure that candidates are allowed to work in the UK.

- **Agency workers** – the Council sources all agency workers and temporary staff through third party providers. We contract a managed service with Pertemps whose Modern Slavery Statement sets out their zero tolerance approach to modern slavery and is available on their website.

#### 4. **Our supply chains**

Bridgend County Borough Council delivers a wide range of statutory and discretionary services to over 147,000 residents. The Council does this through its own workforce and through over 1,700 private and third sector organisations.

The Council has a responsibility to manage public money with probity and to ensure that its £186m of annual procurement spend is managed in such a way that it supports the delivery of wider Council priorities. The Council recognises that our supply chains spread across the world, and that parts of the supply chain could be engaged in modern slavery. The Council will focus on our direct suppliers and will require our suppliers to ensure that their supply chain is free from modern slavery.

The high-risk sectors for modern slavery include leisure, hospitality, catering, cleaning, clothing, construction and manufacturing. A review of Council spend has shown that for the majority of the high-risk areas the Council provides the service in-house, utilises national frameworks and/or local suppliers. The risk of modern slavery and human trafficking by our direct suppliers is considered low.

Through the tendering process, the Council ensures that our direct suppliers are aware of our commitment to tackle modern slavery and human trafficking and that they also understand their obligations as a supplier or contractor of the Council.

The Council undertakes due diligence when considering taking on new suppliers and will seek to review its existing suppliers on an annual basis through its contract management arrangements. The due diligence and reviews include:

- Ensuring compliance with the s54 (Modern Slavery Act 2015) requirement regarding a Modern Slavery Statement and, as part of tender evaluation and ongoing contract management, consideration of the potential and likelihood of modern slavery; seeking mitigations from the supplier through a clear understanding of the suppliers' structure, business and supply chains and policies in relation to slavery and human trafficking.
- Conducting supplier assessments to create a risk profile focusing on financial stability and also covering insurance and compliance with various employment policies including the Welsh Government's Code of Practice: Ethical Employment in Supply Chains.

- Taking steps to improve sub-standard supplier practices, including the provision of advice to suppliers and requiring them to implement Action Plans; for example to demonstrate compliance with safer recruitment guidelines.
- Participating in collaborative initiatives focused on human rights and socially responsible procurement policies in general and modern slavery and human trafficking in particular.
- Invoking sanctions in respect of suppliers who fail to meet our expectations or to improve their performance in line with an Action Plan, which includes a provision to terminate the business relationship.

## **5. Employee training**

Bridgend County Borough Council is committed to providing a range of training for our employees in order to raise awareness of modern slavery, human trafficking and forced labour. In addition to awareness level training some staff will need training specific to their role for example identified first responders and commissioning and procurement staff.

We aim to provide a programme of training which will include:

- e-learning modern slavery / human trafficking awareness module
- Train the trainer workshop (awareness and first responder)
- Modern Slavery / human trafficking awareness workshop (3 hours)
- Anti-Slavery first responder course.
- Externally commissioned training for specific groups of staff (e.g. procurement and commissioning)

In addition to the training programme staff will have access to on-line resources which will include e-learning on specialist topics such as county lines, and links to videos, guides and external websites that hold information on modern slavery and human trafficking.

## **6. Duty to Notify**

Specified public authorities have a duty to notify the Secretary of State of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking. The 'duty to notify' provision is set out in Section 52 of the Modern Slavery Act 2015, and applies to local authorities in England and Wales which includes Bridgend County Borough Council which as a designated first responder organisation can make referrals into the NRM. The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support.

This requirement in respect of potential victims of modern slavery is harnessed to responsibilities under the Social Services and Wellbeing (Wales) Act 2014, and the All Wales Safeguarding Procedures as set out in the Corporate Safeguarding Policy when, as an employee of the local authority, members of staff have a duty to report any safeguarding concerns in relation to a child or adult at risk.

**Bridgend MASH (Multi-Agency Safeguarding Hub)**

**South Wales Police MASH Staff (PPU)**

Phone: 01656 815808

**Safeguarding Adults Team**

Phone: 01656 642477

**Information, Advice and Assistance (IAA) Team (Children)**

Phone: 01656 642320

Email: [mashcentra@bridgend.gov.uk](mailto:mashcentra@bridgend.gov.uk)

**7. What the Council has done**

We have:

- Become a signatory of the Welsh Government’s Code of Practice: Ethical Employment in Supply Chains.
- Started the process of reviewing our supply chains to identify high risk areas.
- Developed a Socially Responsible Procurement Strategy and Delivery Plan.
- Continued to support Welsh Government efforts to promote the Code of Practice and share best practice in relevant circumstances.
- Become a member of the Western Bay Anti-Slavery Forum (WBASF) the key focus of the forum is to:
  - promote Anti-Slavery awareness training across the Western Bay (Bridgend / Neath Port Talbot and Swansea regions) footprint;
  - consider the frequency and type of referrals under the National Referral Mechanism (NRM) and receive updates on local Anti-Slavery MARAC and
  - facilitate an exchange of human trafficking information and intelligence gathering across the whole range of statutory services, and associated third party organisations.
- Committed to review what we offer under corporate safeguarding training to ensure we provide training where there are statutory responsibilities for the local authority.

**8. What the Council will do**

Bridgend County Borough Council will take the following action in our efforts to ensure that there is no Modern Slavery or Human Trafficking.

| Ref | Action  |
|-----|---|
| 1   | In line with clause 7 of the Code of Practice, continue to ensure that the Council carries out a regular review of expenditure and undertakes a risk assessment. We will continue to: |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• Identify any high risk suppliers and monitor for human rights abuses and unethical employment practices which will become a standard agenda item in contract meetings and reviews.</li> <li>• Explore ways of working with our Tier 1 suppliers to raise awareness of modern slavery to prevent it from occurring through a formalised Risk Assessment process: <b>‘Tackling Modern Slavery in Supply Chains’</b>.</li> </ul>  |
| 2 | <p>Utilising the Code of Practice – Ethical Employment in Supply Chains – deliver on a Modern Slavery Communication Strategy to ensure awareness is raised across the Council and with partner organisations and other agencies.</p> <ul style="list-style-type: none"> <li>• Share learning and best practice across the Council, with other public sector bodies, partners and look to learn from their experiences.</li> <li>• Continue engagement with Trade Unions to raise awareness of modern slavery with their members.</li> </ul>   |
| 3 | <p>We will deliver a targeted programme of Modern Slavery (virtual) training across the various Council directorates – in compliance with Covid-19-related restrictions, coordinated with wider Corporate Safeguarding training.</p> <ul style="list-style-type: none"> <li>• We shall continue to identify staff requiring training in ethical employment practices and seek to build awareness / capacity particularly amongst front-facing members of staff working in the Community.</li> <li>• We shall look to extend the pool of in-house trainers available to facilitate awareness level training for staff across the Council.</li> <li>• We will keep records of who has undertaken training across the various directorates and target those where completion rates require improvement.</li> </ul> |
| 4 | <p>Review and update where necessary the Modern Slavery Statement annually and report progress on this Action Plan.</p>   |
| 5 | <p>We shall encourage suppliers to add Modern Slavery social value clauses to new contracts as this will incentivise good practice, including the use of relevant tools and data sets.</p>  |
| 6 | <p>We shall participate in ‘communities of practice’ where Local Authorities work together to share best practice and achieve efficiencies of scale, e.g. sharing due diligence data across public, private and voluntary sectors to inform audits, etc. (using platforms such as TISCreport).</p>  |
| 7 | <p>Complete a review and update the Council’s tender documentation to ensure Modern Slavery and Human Trafficking issues are fully addressed which include clauses to:</p> <ul style="list-style-type: none"> <li>(i) Check that contractors who have a turnover above £36million have a Modern Slavery Statement.</li> <li>(ii) Include the Code of Practice: Ethical Employment in Supply Chains as a part of our tender documents.</li> </ul>  |
| 8 | <p>Appoint a Modern Slavery ‘Champion’</p>  |

|   |   |
|---|---|
| 9 | <p>Complete a review and update the Council’s standard T&amp;Cs to ensure employment practices are considered as part of the procurement process:</p> <ul style="list-style-type: none"><li>(i) Review supplier contracts and map supply chains through due diligence – with an option to include sanctions or a termination clause if Modern Slavery is suspected.</li><li>(ii) Ensure the absence of undue time and cost pressures which could result in unethical treatment of staff.</li><li>(iii) Embed a zero-tolerance approach to Modern Slavery.</li></ul> |
|---|---|

## 9. Supporting Material / Resources

In addition to the links highlighted throughout the Statement the Home Office has a range of documents and promotional material available -

<https://www.gov.uk/government/collections/modern-slavery>

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

14 SEPTEMBER 2021

#### REPORT OF THE CHIEF OFFICER – LEGAL, HR & REGULATORY SERVICES

#### REVISED CONTRACT PROCEDURE RULES

##### 1. Purpose of report

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

- for the revised Contract Procedure Rules to take effect from 1st October 2021;
- for the Council's Scheme of Delegation of Functions in relation to Executive Functions to be amended in accordance with paragraph 4.17 of this Report; and
- to note that a report will be taken to Council to amend the Constitution to incorporate the revised Contract Procedure Rules and amendments to the Scheme of Delegation of Functions in relation to Council functions.

##### 2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

**Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

2.2 Contract Procedure Rules are the internal regulations which govern how contracts for goods, services and works are let. They offer standard procedures which aim to safeguard the Council in terms of risk and compliance with UK and European legislation. They contribute to delivering services more efficiently with a focus on collaboration and partnership working and maintain strong and sustainable financial performance.

##### 3. Background

3.1 The Council is required to review the Contract Procedure Rules, which form part of the Council's Constitution, on a regular basis.

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

##### 4. Current situation/proposal

- 4.1 Following a review of the Contract Procedure Rules, a number of changes have been made to the existing Contract Procedure Rules to ensure the Council modernises the way it procures goods, services and works. A copy of the revised Contract Procedure Rules is attached to this report at **Appendix 1**.

#### Revised Contract Procedure Rules

The key changes are highlighted in paragraphs 4.2 to 4.16 below:

- 4.2 Change of titles of Chief Officers.
- 4.3 Amendment to some definitions for ease of understanding and consequential amendments to reflect legal changes following the expiry of the transition period of the UK leaving the EU .
- 4.4 Clarification on the need for a delegated power for all spend (Rule 4).
- 4.5 Included the requirement of conflict of interest and declaration of interest forms to be completed for every tender (Rule 5).
- 4.6 Slight change to the use of the Pre-tender Client Information Sheet so that it is now only required where Cabinet approval is not sought (Rule 1).
- 4.7 Updated the clauses required in every contract – these have been removed from the Contract Procedure Rules and instead template clauses will be made available on the procurement page of the Council’s intranet (Rule 6).
- 4.8 Included consideration for the UK Steel Charter, Code of Practice – Ethical Employment in the Supply Chain, Project Bank Accounts and the Well Being and Future Generations (Wales) Act 2015 (Rule 6).
- 4.9 Clarification on the use of electronic tendering only (Rule 12).
- 4.10 Contract management form required to be fully completed and availability of training from the procurement team (section 26).
- 4.11 A new Contract Procedure Rule 27.2 has been added and is as follows; “With the exception of Rule 23.1, “The Monitoring Officer shall have authority to make alterations of a minor nature or such as are required to be enacted immediately to ensure compliance with statutory obligations. Any minor changes will be reported to the next meeting of the Council”. This provision has been included to cover situations where there has been changes or updates to legislation that require immediate changes to be made to the Contract Procedure Rules.
- 4.12 Minor amendments have been made to the thresholds for goods, services and works to provide clarity (Rule 7).
- 4.13 Included reference to Social Value (Rule 6).
- 4.14 Additional provisions have been included relating to procurement planning (Rule 2).



- 4.15 Amendments to the requirements for the opening of electronic tenders. For those quotations or tenders with an estimated value between £5,000 to £100,000, they will be opened in the presence of one officer from the corporate procurement team instead. Tenders with an estimated value exceeding £1,000,000 can now be opened in the presence of three officers; the Monitoring Officer or their nominated representative and two further officers usually an officer from democratic services and an officer from the corporate procurement team (Rule 14).

Amendments to the Scheme of Delegation of Functions

- 4.16 The following amendments will be required to the Council’s Scheme of Delegation of Functions in relation to Executive Functions as set out below in tracked changes:

General Powers of Chief Officers

Paragraph 1.7 to be removed in its entirety: “accept the lowest tender received where payment is to be made by the Council and the highest tender received where payment is to be received by the Council in consultation with the Procurement Manager.”

Renumbering of current paragraphs 1.8 to 1.13 of General Powers of Chief Officers to paragraphs 1.17 to 1.12 of General Powers of Chief Officers.

Scheme A (functions allocated to each Cabinet Member)

Amendment to paragraph 1.2 as shown via tracked changes:

|     |   |
|-----|---|
| 1.2 | <p>In accordance with the values set out in the Council’s Contract Procedure Rules <del>respect of any contract having an estimated value exceeding £1,000,000 but not exceeding £5,000,000:</del></p> <p>(a) To authorise the invitation of tenders; and<br/>         (b) To accept the <del>m</del>Most <del>e</del>Economically <del>a</del>Advantageous <del>t</del>Tender received and enter into a Contract <del>(form of tender), or the highest tender received where payment is to be received by the Council and enter into a Contract.</del>— and any further deeds and documents which are supplemental to the Contract.<br/> <del>(c) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any exemption under the Council’s Contract Procedure Rules.</del><br/>         (c) <del>To authorise invitation of tenders, to accept a tender or</del> To enter into a Contract <i>and/or</i> any further deeds and documents which are supplemental to the Contract in accordance with any permitted waiver under the Council’s Contract Procedure Rules.</p> |
|-----|---|

Scheme B2 functions allocated to each Chief Officer

Amendment to paragraph 1.3 as shown via tracked changes:

|     |   |
|-----|---|
| 1.3 | <p>In accordance with the values set out in the Council's Contract Procedure Rules: <del>respect of any contract having an estimated value not exceeding £1,000,000.00:</del></p> <p>a) To authorise the invitation of tenders;</p> <p>(b) To accept the <del>m</del>Most <del>e</del>Economically <del>a</del>Advantageous <del>t</del>Tender received and enter into a Contract <del>(form of tender), or the highest tender received where payment is to be received by the Council and enter into a Contract.</del>— and any further deeds and documents which are supplemental to the Contract.</p> <p>(c) <del>To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any exemption under the Council's Contract Procedure Rules.</del></p> <p><del>(d)</del> To <del>authorise invitation of tenders, to accept a tender</del> or enter into a Contract <i>and/or</i> any further deeds and documents which are supplemental to the Contract in accordance with any permitted waiver under the Council's Contract Procedure Rules.</p> |
|-----|---|

Insert an additional function at Scheme B2 as a function allocated to each Chief Officer

|     |  |
|-----|--|
| 1.4 | To approve a modification to an existing Contract or Framework Agreement in accordance with the Council's Contract Procedure Rules and the values set out in the Council's Contract Procedure Rules to enter into any deed or documents which is required to give effect to such modification. |
|-----|--|

Renumbering of current paragraphs 1.4 to 1.6 of Scheme B2 to paragraphs 1.5 to 1.7 of Scheme B2.

Insert an additional function at Scheme B2 as a function allocated to the Monitoring Officer

|      |   |
|------|---|
| 3.42 | To approve and enter into any further deeds and documents which are ancillary to any existing agreement approved by or on behalf of the Council / Cabinet in consultation with the Section 151 Officer and relevant Corporate Director. |
|------|---|

Renumbering of current paragraphs 3.42 to 3.56 of Scheme B2 to paragraphs 3.43 to 3.57 of Scheme B2.

- 4.17 A report shall be taken to Council to amend the Scheme of Delegation of Functions in relation to Council functions and to amend the Constitution to incorporate the revisions to the Contract Procedure Rules.

## 5. Effect upon policy framework and procedure rules

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

5.2 The Scheme of Delegation of Functions will require amendment as detailed at paragraph 4.17 of the report.

## **6. Equality Act 2010 implications**

6.1 Although there are no direct implications, the Constitution as the key governance framework document for the Authority is critical in demonstrating commitment to the Authority's duties under the Equality Act 2010.

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

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

## **8. Financial implications**

8.1 There are no financial implications regarding this report.

## **9. Recommendations**

9.1 It is recommended that Cabinet:

- (i) approve the revised Contract Procedure Rules attached at **Appendix 1** to this report to take effect from 1st October 2021;
- (ii) approve the amendments to the Scheme of Delegation of Functions in relation to Executive functions as set out in paragraph 4.17 of this report;
- (iii) Note that a report will be taken to Council to amend the Scheme of Delegation of Functions in relation to Council functions and to amend the Constitution to incorporate the revisions to the Contract Procedure Rules.

Kelly Watson

**CHIEF OFFICER – LEGAL, HR & REGULATORY SERVICES**

23<sup>rd</sup> August 2021

**Contact officer:** Rachel Jones  
Corporate Procurement Manager

**Telephone:** (01656) 642596

**Email:** Rachel.jones2@bridgend.gov.uk

**Postal address:** Corporate Procurement  
Legal & Regulatory Services  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

**Background documents:** None

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## **Bridgend County Borough Council**

### **Contract Procedure Rules**

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## 1. Interpretation

In these Contract Procedure Rules:-

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

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

Chief Executive  
Chief Officer Legal, HR and Regulatory Services and Monitoring Officer  
Corporate Director – Education and Family Support  
Corporate Director – Social Services and Wellbeing  
Corporate Director – Communities.

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

"Cabinet" means the executive body of the Council established in accordance with Part II of the Local Government Act 2000.

"Cabinet Functions" means the functions for which the Cabinet is responsible.

"Cabinet Members" means the leader and the members of the Cabinet.

"Chief Audit Officer" means the Head of Audit Service for the Council.

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

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

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

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

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

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

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

“Council” means the Bridgend County Borough Council.

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

“EU” means the European Union.

“Form of Tender” means a covering document signed by the tenderer to indicate that it understands the tender and accepts the terms and conditions and other requirements of participating in the exercise a copy of which can be found on the Corporate Procurement Page.

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

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

“Legal Requirements” means all UK and Welsh law that governs and or relates to the procurement of goods, services and works and the letting of concession contracts.

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

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



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

“Pre-tender Client Information Sheet” means a document that requires completion by the client before going out to tender or to obtain quotations unless a Cabinet Report has been approved a copy of which can be found on the Corporate Procurement Page.

“Regulations” means the Public Contract Regulations 2015;

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

“UK GDPR” means the UK General Data Protection Regulation.

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

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

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

2.1 Every Contract shall:

- (a) Comply with the Council’s Constitution, including in particular the Financial Procedure Rules, the Scheme of Delegation of Functions and these Contract Procedure Rules;
- (b) Comply with all relevant statutory provisions including in particular, but not limited to, the Local Government Act 1988 Part II, the Local Government (Contracts) Act 1997, the Local Government Act 1999 Part I, and the Regulations;
- (c) Achieve Most Economically Advantageous Tender;
- (d) Be consistent with the highest standards of integrity, having regard to the Bribery Act 2010 and the Competition Act 1998;
- (e) Ensure fairness in allocating public Contracts;
- (f) Comply with all Legal Requirements;
- (g) Comply with the Equality Act 2010;
- (h) Comply with the Modern Slavery Act 2015;
- (i) Comply with relevant employment legislation;

- (j) Support the Council's corporate and departmental aims and policies and comply with any Council policy;
  - (k) Comply with Data Protection Legislation;
  - (l) Apply the Welsh Government approved approach as standard to Supplier selection;
  - (m) Be procured in accordance with all procurement planning guidance issued by the Corporate Procurement Manager.
- 2.2 For the avoidance of doubt, the Appropriate Chief Officer shall ensure that where the estimated Contract Value or amount of a proposed Contract (or series of Contracts) is likely to be equal to or to exceed the thresholds set by the Legal Requirements for Contracts, then the tendering procedures to be adopted must be in accordance with the Regulations, and any statutory provision relating thereto.
- 2.3 Contracts for the procurement of works, goods or services may be subdivided into lots where appropriate and in accordance with the Regulations but lots should not be used where the result would be the avoidance or effect the application of the Contract Procedure Rules.
- 2.4 The procurement of goods, services and works shall not be artificially over estimated or under-estimated which would result in either the avoidance of the Contract Procedure Rules or which would affect the application of the Contract Procedure Rules.
- 2.5 It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to supervise a Contract on the Council's behalf that, in relation to the Contract, they shall comply with the requirements of these Contract Procedure Rules and the Council's Financial Procedure Rules.
- 2.6 The Monitoring Officer with the agreement of the Chief Finance Officer may issue procurement guidance or protocols, and all Chief Officers and any person who is required to supervise a Contract on behalf of the Council shall have due regard to any such guidance or protocol.
- 2.7 The use of the Council's in-house services and Internal Providers is not covered by or subject to these Contract Procedure Rules. Any contract subsequently let by the in-house services and Internal Providers to sub-contractors will be let in accordance with these Contract Procedure Rules.
- 2.8 Any failure by officers to comply with any of the provisions of these Contract Procedure Rules or associated guidance adopted by the Council may result in disciplinary action.
- 2.9 Appropriate authority must be in place before any procurement is carried out on behalf of the Council.

- 2.10 Any dispute regarding the interpretation of these Contract Procedure Rules shall be referred to the Chief Officer Legal, HR and Regulatory Services and Monitoring Officer for resolution in consultation with the Corporate Procurement Manager.
- 2.11 These Contract Procedure Rules deal only with procurements conducted under the Regulations. Where a procurement is required to be conducted under the Concession Contracts Regulations 2016 and the Utilities Contracts Regulations 2016, authority must be sought from the Appropriate Body by way of an exemption to these Contract Procedure Rules in order to conduct such a procurement pursuant to Rule 3.1.7.

### **3. EXEMPTIONS AND WAIVER**

#### **Exemptions to the Contract Procedure Rules**

- 3.1 The Contract Procedure Rules do not apply to the situations set out in Rules 3.1.1 to 3.1.7.
- 3.1.1 For the acquisition or disposal of land, unless it involves a development agreement which would require a tender process.
- 3.1.2 In the case of professional arrangements in accordance with Regulation 10 of the Regulations between the Councils Solicitor and Counsel or external Solicitors, the Chief Officer Legal, HR and Regulatory Services and Monitoring Officer will not be expected to comply with the requirements of this Rule when instructing and briefing Counsel or Solicitors. The Chief Officer Legal, HR and Regulatory Services and Monitoring Officer will make arrangements to ensure that a record is kept of all such instructions or briefs together with a record of Counsel's/ Solicitors fees.
- 3.1.3 For the carrying out of security works where the publication of documents in accordance with the tendering procedure could prejudice the security of the work to be done, provided the method of tendering has been approved by the Appropriate Body.
- 3.1.4 Employment Contracts which make an individual a direct employee of the Council.
- 3.1.5 Contracts between entities within the public sector as prescribed in Regulation 12 of the Regulations, including those Contracts where Regulation 12 would be applicable if the Contract Value was not below the financial thresholds specified in or by the Regulations, provided the arrangement has been approved by the Appropriate Body.
- 3.1.6 In an emergency situation in which injury or damage to persons or property is threatened in which case the Appropriate Chief Officer may

take any necessary action but must report the circumstances and the action taken to the next meeting of the Appropriate Body.

- 3.1.7 Where a procurement is required to be conducted under the Concession Contracts Regulations 2016 or the Utilities Contracts Regulations 2016, provided the use of the Concession Contracts Regulations 2016 or the Utilities Contracts Regulations 2016 has been approved by the Appropriate Body.

## Waivers

3.2 Waiver from obtaining quotations or tendering will only apply to the criteria listed in Rules 3.2.1 to 3.2.12 below and any waiver must be obtained, either:

- (a) in respect of any new Contract from the Appropriate Body where the value of the Contract exceeds £100,000; or
- (b) in respect of any new Contract in accordance with the Council's Scheme of Delegation of Functions where the value of the Contract does not exceed £100,000.

3.2.1 Where no quotes or tenders have been received in response to the Council's procedure for obtaining competitive offers. This is to include the open procedure, restricted procedure, competitive dialogue, competitive procedure with negotiation, innovative partnerships procedures where procurement falls within the scope of the Regulations.

3.2.2 The Contract involved is purely for the purpose of research, experiment, study or development under the conditions stated in the Regulations.

3.2.3 The works/goods/services can be provided only by a particular economic operator for any of the following reasons:—

- (i) the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,
- (ii) competition is absent for technical reasons,
- (iii) the protection of exclusive rights, including intellectual property rights,

but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.

3.2.4 Extreme urgency brought about by events unforeseeable by the Council and in accordance with the strict conditions contained in the Regulations.

- 3.2.5 New works/services, constituting a repetition of existing works/services and ordered in accordance with the strict conditions contained in the Regulations, subject to approval in accordance with Rule 3.5
- 3.2.6 A Contract awarded to the successful tenderer or one of them after a design contest.
- 3.2.7 For supplies quoted and purchased on a commodity market.
- 3.2.8 For the purchase of supplies on particularly advantageous terms from a Supplier which is definitely winding up its business activities, or from the receivers or liquidators of an insolvency, bankruptcy, an arrangement with creditors or a similar procedure.
- 3.2.9 In the case of Contracts for services entered into in pursuance of powers under the National Health Service and Community Care Act 1990, the Children Act 1989, Children's (Leaving Care) Act 2000 and Social Services and Wellbeing (Wales) Act 2014 for the benefit of an individual client, the Corporate Director Social Services and Wellbeing, insofar as it is consistent with the law, will make appropriate arrangements for provision.
- 3.2.10 Where a tendering procedure is prescribed by legislation.
- 3.2.11 Contracts which can only be performed by a statutory undertaker.
- 3.2.12 Where goods, services and works are procured by another public body on behalf of the Council or through collaborative arrangements awarded via the National Procurement Service or the Regional Delivery Group or by the Council through a Contract properly let by another such organisation, then those organisations Procurement / Contract Procedure Rules will apply subject to compliance with European Union and Procurement Law of England and Wales.

### **Modifications to existing Contracts and Framework Agreements**

- 3.3. Contracts and frameworks agreements may be modified without the requirement for a new procurement procedure in accordance with Rules 3.3.1 to Rules 3.3.6:
  - 3.3.1 Where the modifications in a Contract or Framework Agreement have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses:
    - (a) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and
    - (b) do not provide for modifications or options that would alter the overall nature of the Contract or the Framework Agreement;

3.3.2 Subject to Rule 3. 4 and Rule 3.5 where the modification(s) in a Contract or Framework Agreement is for additional works, services or supplies by the original Contractor that have become necessary and were not included in the initial procurement, and where a change of Contractor:

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

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

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

3.3.3 Where all of the following conditions are fulfilled:

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

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

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

- (i) an unequivocal review clause or option in conformity with Rule 3.3.1, or
- (ii) universal or partial succession into the position of the initial Contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail

other substantial modifications to the Contract and is not aimed at circumventing the application of the Regulations.

3.3.5 Where the modifications, irrespective of their value, are not substantial. A modification shall be considered substantial where one or more of the following conditions is met:

- (i.) the modification renders the Contract or the Framework Agreement materially different in character from the one initially concluded; or
- (ii.) the modification introduces conditions which, had they been part of the initial procurement procedure, would have—
  - (a) allowed for the admission of other candidates than those initially selected,
  - (b) allowed for the acceptance of a tender other than that originally accepted, or
  - (c) attracted additional participants in the procurement procedure;
- (iii.) the modification changes the economic balance of the Contract or the Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement;
- (iv.) the modification extends the scope of the Contract or Framework Agreement considerably;
- (v.) a new Contractor replaces the one to which the Contracting authority had initially awarded the Contract in cases other than those provided for in Rule 3.3.4

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

- (i) the relevant applicable financial thresholds contained in the Regulations, and
- (ii) 10% of the initial Contract Value for service and supply Contracts and 15% of the initial Contract Value for works Contracts,

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

Where several successive modifications are made, the value shall be the net cumulative value of the successive modifications and the

updated figure shall be the reference figure when the Contract includes an indexation clause.

- 3.4 Where several successive modifications are made:—
- (a) the limitations imposed by the proviso at the end of Rule 3.3.2 and by Rule 3.3.3 (iii) shall apply to the value of each modification; and
  - (b) such successive modifications shall not be aimed at circumventing the Regulations.
- 3.5 Where the Council has modified a Contract in accordance with Rule 3.3.2 or Rule 3.3.3 the Council is required to send a notice to that effect, in accordance with Regulation 51 of the Regulations for publication. Such a notice shall contain the information set out in Regulation 72.4 of the Regulations.
- 3.6 Approval to any modification of an existing Contract or Framework Agreement must be obtained, either:
- (a) from the Appropriate Body where the value of the modification of a Contract or Framework Agreement exceeds £100,000; or
  - (b) in accordance with the Council's Scheme of Delegation of Functions where the value of the modification of a Contract or Framework Agreement does not exceed £100,000.

### **Notification of Waiver and Modification**

- 3.7 If the Appropriate Chief Officer is seeking from the Appropriate Body a waiver from the Council's Contract Procedure Rules under Rule 3.2 or a modification to an existing Contract or Framework Agreement under Rule 3.3, the report to the Appropriate Body shall set out the reason for requiring the waiver or modification and the Contract Procedure Rule(s) from which the waiver or modification is required. The report shall include a legal and financial statement and shall highlight any future commitments (whether or not of a financial character) which the proposed Contract might entail.
- 3.8 Where the value of any waiver or modification does not exceed £100,000, the reasons for requiring the waiver or modification must be approved by the Corporate Procurement Manager, and recorded in accordance with the Scheme of Delegation of Functions.
- 3.9 Where a waiver is sought by the Appropriate Chief Officer in respect of obtaining quotations or tendering, the report to the Appropriate Body or record of the decision under the Council's Scheme of Delegation of Functions shall in addition to the requirements of Rules 3.7 and 3.8 justify the use of an alternative method of selection so that propriety, value for money and compliance with Legal requirements can be demonstrated.



- 3.10 Purchasing arrangements made for the Council by the Corporate Procurement Manager do not constitute exceptions as such, because they are made under the full provisions of these Rules.
- 3.11 Correct use of these arrangements, as advised by the Corporate Procurement Manager will be sufficient to ensure officers meet their responsibilities for compliance. Such arrangements are mandatory and include, but are not limited to:
- 3.11.1 Purchasing Frameworks endorsed for use by the Council, where items are specified and costed and the option of a Direct Award has been provided for.i.e., no requirement to undertake a further mini competition.
- 3.11.2 Collaborative procurement arrangements undertaken by, or in consultation with the Corporate Procurement Manager.
- 3.11.3 Electronic systems and catalogues endorsed for use by the Council in procurement.
- 3.12 The Appropriate Chief Officer must ascertain whether there is a Framework Agreement approved by the Corporate Procurement Manager for use by the Council. Where a Framework Agreement is available, it must be used in accordance with the guidance provided by the Corporate Procurement Manager.
- 3.13 Any joint procurement arrangements with other local authorities and or public sector bodies including membership or use of any consortia must be approved by the Corporate Procurement Manager.
- 3.14 Established framework and consortia arrangements endorsed by the Corporate Procurement Manager for use by the Council shall be mandatory except where there is an applicable waiver or exemption, a copy of which shall be sent to the Corporate Procurement Manager.
- 3.15 Contracts to be awarded on the basis of a Framework Agreement must be in conformity with the Regulations. Where it is necessary to run a further mini competition, any subsequent mini-competition must be in accordance with the terms of the original Framework Agreement (except for the requirement to advertise and those stages in the procurement that are not applicable to a framework).
- 3.16 These Contract Procedure Rules do not apply to Contracts let by school or college governing bodies acting in accordance with their approved schemes of delegation or contract procedure rules.

#### **4. Delegated Authority to Enter into Contracts**

- 4.1 Each Chief Officer has been allocated the following functions under Scheme B2 of the Council's Scheme of Delegation of Functions (Functions delegated

to Chief Officers without consultation and call-in) which shall be exercised where any proposed Contract administered by their Directorate/Office has an estimated value not exceeding £1,000,000.00:

- (a) To authorise the invitation of tenders;
- (b) To accept the Most Economically Advantageous Tender received and enter into a Contract and any further deeds and documents which are supplemental to the Contract.

4.2 Each Cabinet Member has been allocated the following functions under Scheme A of the Council's Scheme of Delegation of Functions (Cabinet Functions delegated to Individual Cabinet Members) which shall be exercised where any proposed Contract falling within the Cabinet Member's portfolio has an estimated value exceeding £1,000,000.00 but not exceeding £5,000,000.00:

- (a) To authorise the invitation of tenders;
- (b) To accept the Most Economically Advantageous Tender received and enter into a Contract and any further deeds and documents which are supplemental to the Contract.

4.3 Where the estimated value of any proposed Contract exceeds £5,000,000.00, the authority to do any of the following shall be sought from the Appropriate Body:

- (a) To authorise the invitation of tenders;
- (b) To accept the Most Economically Advantageous Tender received and enter into a Contract and any further deeds and documents which are supplemental to the Contract.

## **5. Declaration of Interest**

5.1 No member, employee or agent of the Council shall improperly use their position to obtain any personal or private benefit from any procurement entered into by the Council.

5.2 Members and employees of the Council shall comply with the requirements of Section 117 of the Local Government Act 1972, the Bribery Act 2010, and the Officers and Members code of conduct set out in the Constitution in respect of the declaration of interests in Contracts with the Council.

5.3 Such interests must be declared to the Monitoring Officer for inclusion in the appropriate registers

- 5.4 Officers must complete a conflict of interest form and declaration of interest form prior to participating in any tender exercise and a copy can be found on the Corporate Procurement Page.

## **6. Selective Tendering, Invitation of Tenders and Quotations**

- 6.1 Subject to any overriding Legislative Requirements, all procurements shall be invited in accordance with either Rules 7, 8 or 9.
- 6.2 The appropriate service budget holder shall prepare the relevant part of the Pre-tender Client Information Sheet for all invitations to tender and quotations and submit that to the Corporate Procurement Manager for approval.
- 6.3 A record of tenders and quotations shall be maintained by the Chief Officer Legal, HR and Regulatory Services and Monitoring Officer, on the Corporate Contracts Register.
- 6.4 In the case of procurements that are required to be undertaken in accordance with the Regulations, the advice of the Corporate Procurement Manager must be sought at the outset and at all subsequent stages of the procurement process, and the Pre-Tender Client Information Sheet must be completed. The Regulations will take precedence over the Contract Procedure Rules.
- 6.5 The value of a procurement means the estimated total monetary value over its full duration, including any extension options. Where there is no fixed term for the Contract, the value of the Contract shall be taken to be the estimated value of the Contract over a period of four years. No procurement may be artificially split to avoid compliance with these Contract Procedure Rules and Legal Requirements. This Rule shall, however, not be construed as to avoid the requirements relating to “lots” under the Regulations.
- 6.6 For works Contracts all Contractors must be registered and verified on Constructionline. Constructionline show the Contractors and categories which have been pre-assessed with a recommended contract value. The recommended contract value is based on a financial risk assessment and is the maximum limit of work that must be placed with a Contractor without additional safeguards.
- 6.7 The basis of selection for companies on Constructionline shall be by way of rotation and/or the suitability of Contractors to undertake the project. Reasons for such choice must be recorded

### **Quotations**

- 6.8 The invitation to submit quotations must include the specification, terms and conditions and evaluation criteria/weightings.

- 6.9 A reasonable time must be allowed for Suppliers to return bids. Unless otherwise dictated by urgency, a minimum time period of not less than 14 days must be allowed for the return of quotations.
- 6.10 In accordance with the requirements of the Scheme of Delegation of Functions a record shall be kept by the Appropriate Chief Officer in the prescribed form. In any case in which at least three alternative written offers or quotations were not obtained, the Appropriate Chief Officer shall record the reasons why it was considered impracticable to do so. This should then be recorded on the Corporate Contracts Register.

## **Tenders**

- 6.11 All of the invitation to tender documentation, including specification, evaluation criteria/weightings, must be approved by the Corporate Procurement Manager.
- 6.12 A minimum time period of not less than 14 days must be allowed for the return of tenders, except where the tender is subject to the Regulations in which case the time periods specified in the Regulations are applicable.
- 6.13 For all Contracts the Council must consider how what is proposed to be procured might improve the economic, social and environmental and cultural well-being of the area and how, in conducting the procurement process, it might act with a view to securing that improvement. The Council must consider the sustainable development principles and the well-being objectives that the Council has adopted in accordance with the Well-being of Future Generations (Wales) Act 2015. Guidance on delivering social value through procurement is available on the Corporate Procurement Page on the Intranet.
- 6.14 Where appropriate the Council will need to include Community Benefits clauses to maximise the benefits that such clauses can bring. Where Community Benefits are included in any tender issued by the Council, this must be mentioned in the tender advertisement, indicating whether they are Core or Non-Core.
- 6.15 Every written Contract shall include clauses in a form approved by the Monitoring Officer relating to the following matters as a minimum.
- 6.15.1 Data Protection;
  - 6.15.2 Freedom of Information;
  - 6.15.3 Modern Slavery;
  - 6.15.4 Bribery and Corruption;
  - 6.15.5 Equalities and Human Rights;
  - 6.15.6 Welsh Language Standards;
  - 6.15.7 Audit.

Template provisions for the aforementioned matters can be found on the Corporate Procurement Page on the Intranet.

- 6.16 Where a relevant specification issued by the British Standards Institution is current at the date of the tender all Council specifications shall require as a minimum that the goods and materials used in the execution of the Contract shall be in accordance with that specification or an equivalent.
- 6.17 The Council is a signatory to the UK Steel Charter. The Appropriate Chief Officer must consider whether fulfilment of any of the steps contained within the Charter are applicable to the Contract being procured and if so liaise with the Corporate Procurement Manager to ensure that appropriate provisions are contained within the procurement documents. A copy of the UK Steel Charter can be found on the Corporate Procurement Intranet page.
- 6.18 The Council is a signatory to the Welsh Government Code of Practice – Ethical Employment in the Supply Chain. The Appropriate Chief Officer must ensure that employment practices are considered as part of the procurement process and liaise with the Corporate Procurement Manager to ensure that appropriate provisions are contained within the procurement documents. A copy of the Welsh Government Code of Practice – Ethical Employment in the Supply Chain can be found on the Corporate Procurement Intranet page.
- 6.19 The Council has adopted the principles contained within the Welsh Government Policy on Project Bank Accounts. The Appropriate Chief Officer must consider whether payment through a project bank account (PBA) is appropriate for any construction or infrastructure Contract (or other Contract with a significant sub-contracting supply chain) of over 6 months duration and valued at £2 million or more and where there are sub-contracting opportunities valued at 1% or more of the contract value. The use of payment through a PBA for such Contracts will be required unless there are compelling reasons not to do so. The use of payment through a PBA must be applied to all construction and infrastructure projects and any other appropriate contracts valued at £2m or more which are part or fully funded by Welsh Government where the terms of such funding require a PBA to be applied.

## **7. Thresholds and Advertising Requirements**

- 7.1 Thresholds for procurement do not apply to existing Framework Agreements endorsed for use by the Council.
- 7.2 Thresholds for all goods & services (except works Contracts) and advertising requirements are as follows and are set out in the Summary of Advertising (a copy of which can be found on the Corporate Procurement Page):
- 7.2.1 Up to £5,000 it is necessary only to demonstrate that value for money is being achieved, unless any grant funding conditions dictate otherwise.
- 7.2.2 Over £5,000 to £25,000 Minimum of 3 quotes to be requested from businesses preferably registered on Sell2Wales, unless any grant funding conditions dictate otherwise. All quotes must be conducted electronically.

- 7.2.3 Over £25,000 to £100,000 all requirements to be openly advertised on Sell2Wales where practical and providing it represents best value for money. A minimum of three quotations must be invited when following a restricted procedure or when an advert has not been issued, unless any grant funding conditions dictate otherwise. All quotes must be conducted electronically.
- 7.2.4 Over £100,000 to the Regulations thresholds, requirements must be tendered, and advertised on Sell2Wales (as a minimum). Where the restricted procedure is used a minimum of five tenders must be invited, unless any grant funding conditions dictate otherwise. All tenders must be conducted electronically.
- 7.2.5 Above the Regulations threshold, requirements must be tendered and advertised on Find a Tender, together with such other advertising as directed by the Corporate Procurement Manager. All tenders must be conducted electronically.
- 7.3 Thresholds for Works Contracts and advertising requirements are as follows and are set out in the Summary of Advertising (a copy of which can be found on the Corporate Procurement Page):
- 7.3.1 Contract Up to £5,000 it is necessary only to demonstrate that value for money is being achieved, using contractors with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline unless any Grant conditions dictate otherwise.
- 7.3.2 Over £5,000 to £25,000 quotations are to be requested from a minimum of three prospective Tenderers with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline, unless any grant conditions dictate otherwise. Where the minimum number of Tenderers required through Constructionline are not available, the Corporate Procurement Unit will put an advertisement on Sell2Wales for the requirement. All quotes must be conducted electronically.
- 7.3.3 Over £25,000 to £250,000 quotations are to be requested from a minimum of five prospective Tenderers with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline, ./ the minimum number of Tenderers required through Constructionline are not available, the Corporate Procurement Unit will put an advertisement on Sell2Wales for the requirement. All quotes must be conducted electronically.
- 7.3.4 Over £250,000 to the Regulations thresholds requirements must be tendered and advertised on Sell2Wales, unless any grant funding conditions dictate otherwise. All tenders must be conducted electronically.
- 7.3.5 Above the Regulations thresholds, requirements must be tendered and advertised on Find a Tender, together with such other

advertising as directed by the Corporate Procurement Manager. All tenders must be conducted electronically.

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

- A local newspaper.
- Trade Journal.

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

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

## **8. Pre-Tender Market Research and Consultation**

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

## **9. Procurement by Consultants**

9.1 Where the Council uses consultants to act on its behalf in relation to any procurement, then the Appropriate Chief Officer shall ensure that the consultants carry out any procurement in accordance with these Contract Procedure Rules.

9.2 All decisions must be made in accordance with the Council's Scheme of Delegation of Functions.

9.3 No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to. The Appropriate Chief Officer shall ensure that the consultant's performance in relation to procurement is in accordance with these Contract Procedure Rules and legislation.

9.4 Where the Council uses consultants to act on its behalf in relation to any procurement the consultant must declare any potential conflict of interest that may arise to the relevant Appropriate Chief Officer prior to the commencement of the procurement process or at such time that the Contractor becomes aware of such a potential conflict of interest.

- 9.5 Where the Appropriate Chief Officer considers that such a conflict of interest is significant the consultant shall not be allowed to participate in the procurement process.

## **10. Other Procurement Procedures**

- 10.1 The use of the negotiated procedure without prior publication, innovative partnerships, competitive procedure with negotiation and competitive dialogue as defined in the Regulations, can only be used in exceptional circumstances as directed by the Chief Finance Officer and with prior consultation with the appropriate Cabinet Member and the Monitoring Officer.
- 10.2 The use of reserved, concessionary contracts and dynamic purchasing systems may only be used following consultation and prior approval by the Corporate Procurement Manager.

## **11. Naming Products Sub-Contractors and Suppliers**

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

## **12. Electronic Tendering**

- 12.1 An electronic quote and tender facility now supersedes the use of paper tenders in line with the Regulations. All electronic quotes and tenders must be issued using a portal approved by the Corporate Procurement Manager. All relevant staff must be fully trained in the use of the system and set up to use the facility by the Corporate Procurement Manager.
- 12.2 For all quotes and tenders issued, the awarded Contract must be uploaded to the Corporate Contracts Register on the approved portal.
- 12.3 An advertisement must be placed in accordance with Rule 7. Any advert placed on sell2wales must alert prospective bidders to the requirement and the need to register on the approved etenderwales portal. The advert should state that bidders must have JAVA to access the etenderwales portal and respond electronically.
- 12.4 All correspondence between the Council and bidders must be concluded via the approved portal to maintain a defined audit trail. Under no circumstances must email correspondence outside the portal be used. Any verbal communication specific to the quote or tender must only be communicated through the relevant category specialist and must be confirmed via the portal. All clarification questions must be broadcast to all prospective bidders, where applicable i.e. not commercially sensitive.



- 12.5 The requirements for the submissions of bids must be set out in the Invitation to Tender (ITT) document issued to bidders via the portal. This will specify the return date and time, which will normally be 12 noon on the agreed date. The time and date when bidders upload their completed documents onto the system is recorded and forms part of an audit record.
- 12.6 Any late bids submitted will be recorded by the system and must be disqualified. A report will be required from the system administrator of the portal that there has been no system malfunction if a bidder challenges the disqualification.
- 12.7 Tenders must be opened electronically in accordance with Rule 14.

### **13. Submission and Custody of Tenders and Quotations**

- 13.1 Where tenders are invited in accordance with these Contract Procedure Rules or otherwise as determined by the Appropriate Body, the requirements for submission of tenders shall be set out in the invitation to tender document.
- 13.2 Electronic tenders and quotes are held in the approved portal and are inaccessible until the specified closing date and time.

### **14. Opening of Electronic Tenders**

- 14.1 Quotations or tenders for requirements having an estimated value or amount of £5,000 and not exceeding £100,000 shall be opened via the approved portal at the same time in the presence of one officer from the corporate procurement team, this is to include the technical and commercial envelope.
- 14.2 Tenders for Contracts having an estimated value or amount over £100,000 and not exceeding £1,000,000 shall be opened at the same time in the presence of two officers, one designated by the Monitoring Officer and the other an officer from the corporate procurement team, this is to include the technical and commercial envelope.
- 14.3 Tenders, including the technical and commercial envelope, having an aggregated estimated value or amount exceeding £1,000,000 shall be opened at the same time in the presence of the Monitoring Officer or their nominated representative and Two further officers usually an officer from Democratic Services and an officer from the corporate procurement team.
- 14.4 All tenders opened in accordance with rule 14 shall include the Technical and Commercial envelope within the approved portal.
- 14.5 A record shall be kept of all tenders and quotations received through the approved portal approved by the Monitoring Officer, including any reasons for disqualification.

### **15. Amendment of Tenders**

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

## **16. Post-Tender Negotiation and Clarification**

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

In all instances, the possibility of such negotiations must have been indicated in the invitation to tender.

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

## **17. Evaluation of Tenders**

- 17.1 The Appropriate Chief Officer shall examine tenders in accordance with predetermined evaluation criteria.
- 17.2 In respect of all tenders the tender criteria shall be Most Economically Advantageous Tender (which can be the lowest/highest price only where appropriate) and the evaluation criteria shall as a minimum be listed in the Invitation To Tender documentation in order of importance. Any particular scoring or weighting attributable to any criteria and sub-criteria must be clearly stated. In addition, the criteria must be strictly observed and remain unchanged at all times throughout the Contract award procedure.

## **18. Acceptance and Award of Tenders**

- 18.1 A Contract shall only be awarded subject to the tender evaluation criteria specified in the invitation to tender document.
- 18.2 Tenders for Contracts having an estimated value exceeding £5,000,000 may be invited and accepted only by the Appropriate Body unless the power to do so has been specifically allocated or delegated to the appropriate Cabinet Member or Appropriate Chief Officer.
- 18.3 No tender relating to a Contract to which Sections 2 to 9 of the Local Government (Contracts) Act 1997 apply, shall be accepted without the approval of the Monitoring Officer.
- 18.4 Before a tender is accepted other than for the sale of goods the Appropriate Chief Officer must obtain the Chief Finance Officer's confirmation that the Tenderer's financial standing is satisfactory, unless the Tenderer has already been approved using the prequalification of the tender process.
- 18.5 The award of any Contract shall be in accordance with the Regulations and any other Legal Requirements.
- 18.6 If the award of any Contract is subject to the Regulations then there shall be a standstill period of at least ten calendar days between the communication of the decision of the intention to award the Contract being notified to those parties who were selected to tender, or who applied to be selected to tender, and the entering into of that Contract.

- 18.7 Standstill letters issued as part of a tender process under the Regulations must not be issued prior to confirmation of award in accordance with the Council's constitution.
- 18.8 Feedback to unsuccessful tenderers must be included in the standstill letters and must include the characteristics and relative advantages of the tender selected. For Contracts subject to the Regulations, the requirements of the Regulations must also be complied with.
- 18.9 Where a tender above the Regulations threshold has been tendered and advertised on Sell2Wales, the Council shall publish a Contract Award Notice on Sell2Wales which will also be included on Find a Tender, as soon as possible after the decision to award and in any event no later than 30 calendar days after the date of award of the Contract.
- 18.10 All correspondence notifying evaluation outcomes must be communicated through the approved portal

## **19. Letters of Intent**

- 19.1 Letters of Intent shall only be used with the agreement of the Chief Officer Legal, HR and Regulatory Services and Monitoring Officer and only in very exceptional circumstances.
- 19.2 Where the terms and conditions of the Contract are not fully agreed no Contractor shall be allowed on site to begin preliminary works until a full risk assessment has been carried out by the Appropriate Chief Officer as to possible implications to the Council by the Contractor being allowed to start on site before the Contract terms and conditions have been finalised.

## **20. Execution of Contracts**

- 20.1 Every Contract not exceeding £500,000 in amount or value shall be in writing in a form approved by the Monitoring Officer such form being the Form of Tender. However the Form of Tender should not be used in the following situations and a formal Contract must be entered into:
- (a) where the appropriate Directorate has assessed the level of risk associated with the Contract and it deems the level of risk to be high; or
  - (b) where the Contract must be executed under seal.

The Form of Tender must be issued as part of the tender and must be signed and returned by the bidder. On contract award the signed Form of Tender must be issued with the award letter, signed by either the Appropriate Chief Officer of the Monitoring Officer, or another officer authorised in writing to sign on behalf of the Appropriate Chief Officer or the Monitoring Officer. Both Parties are to keep a signed Form of Tender.

- 20.2 Every Contract, including frameworks which exceeds £500,000 in amount or value shall be referred to the Solicitor for the Council for approval.

- 20.3 Contracts in writing or official orders not exceeding £500,000 in amount or value may be signed either by the Appropriate Chief Officer or by an officer in writing authorised to approve on behalf of the Appropriate Chief Officer.
- 20.4 Every Contract for Works (other than Framework Agreements ) exceeding £1,000,000 shall require a performance bond and for Contracts below this limit the Appropriate Chief Officer shall determine the necessity for a Performance Bond based on an assessment of risk for that Contract. A Surety shall be approved by the Chief Finance Officer.
- 20.5 A risk assessment shall be conducted for all service Contracts to determine the necessity for a performance bond. The approval of the Chief Finance Officer is required where a performance bond is not deemed necessary for service Contracts in excess of £1,000,000 in value.
- 20.6 Contracts not exceeding £500,000 may be signed electronically except in the following situations:
- (a) where the appropriate Directorate has assessed the level of risk associated with the Contract and it deems the level of risk to be high; or
  - (b) where the Contract must be executed under seal.

The use of electronic signature must be in accordance with the procedure set down by the Corporate Procurement Manager.

## **21. Assignment and Novation**

- 21.1 Any Contract subject to potential assignment or novation must be referred to the Monitoring Officer at the earliest possible instance.

## **22. Termination of Contracts**

- 22.1 For any Contract, or part thereof, exceeding £100,000 in value, early termination shall be approved by the Appropriate Chief Officer in consultation with the Monitoring Officer and the Chief Finance Officer and must be in accordance with the termination provisions set out in the Contract. Contracts of a lesser value may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the Contract.

## **23. Financial Limits**

- 23.1 With the exception of the financial limit specified in Rule 20, which may be varied only by the Council, the financial limits specified in these Contract Procedure Rules or any of them may be varied at any time by the Chief Finance Officer in consultation with the Monitoring Officer, but any alterations shall be reported to the next meeting of the Council.

## **24. Record and Document Retention and Control**

- 24.1 A full report of all Contracts awarded should be written and kept electronically. (A checklist of what the report should contain can be found on the Corporate Procurement Page.)
- 24.2 A full record of all documents used including the Delegated Power to invite and accept, any other internal approvals, should be scanned and uploaded into the approved portal or procurements 'o' drive against the specific Contract reference number.
- 24.3 All Contracts under seal i.e. Deeds (inc. Tenders) must be retained for a minimum of 12 years after the term of the Contract has expired. Contracts which have not been sealed must be retained for a minimum of 6 years after the term of the Contract has expired, unless a longer period is required by legislation or grant conditions.
- 24.4 Unsuccessful tender and pre-qualifying documents which have been accepted for tender purposes will be retained for a minimum period of 2 years after the start of the Contract within the approved portal.
- 24.5 Any tender which is rejected or disqualified at the time of opening will be notified via the approved portal.
- 24.6 All request for quotations must be retained for a minimum period of 2 years after the term of the Contract has expired.
- 24.7 Where Contracts are subject to the Regulations, they must also comply with the record, document retention and control requirements of the Regulations.

## **25. Contract Management**

- 25.1 A Contract must not start until the Contract has been signed or sealed by both parties and dated. Directorates must allow time for this in their forward work plan.
- 25.2 Within ten calendar days of the start of the Contract, the directorate must add the details of the Contract onto the Corporate Contracts Register and record all the required information within etender wales.  
  
These details must be maintained and updated as and when required to do so. Officers should contact the Corporate Procurement Manager if training is required.
- 25.3 The Directorate shall be the Contract manager for the Contracts for which they are responsible for up to the Regulations threshold, but may authorise another officer to have day-to-day responsibility for managing the Contract. For Contracts over the Regulations threshold, the directorate must appoint a dedicated Contract manager with appropriate skills and experience.
- 25.4 The Contract manager is responsible for:
  - (a) Managing the Contract and ensuring that it is carried out in accordance with its terms and conditions;
  - (b) Monitoring the Contractor's performance and carrying out mid-Contract reviews to determine ongoing value for money;

- (c) Ensuring that the Contractor maintains the insurance policies required by the Contract; and
  - (d) Keeping a record of all payments, claims, monitoring, changes and certificates under the Contract.
- 25.5 The Contract manager must consult the Monitoring Officer for consideration of the Council's legal position:
- (a) Before any Contract is to be terminated or suspended; or
  - (b) In the event of a claim for payment not clearly within the terms and conditions of Contract.

## **26. Corporate Contracts Register**

- 26.1 The Corporate Contracts Register is held within the approved portal and all quotations and tenders conducted must be created into a Contract. It is the responsibility of each Directorate to create and maintain their own Contracts within the portal.
- 26.2 It is the responsibility of each Directorate to update the register following a quotation or tender process within the approved portal.
- 26.3 Any officer that requires training must contact the corporate procurement unit.

## **27. Review and Amendment of Contract Procedure Rules**

- 27.1 The Corporate Procurement Manager shall continually review these Contract Procedure Rules and shall undertake a formal review at least every three years.
- 27.2 With the exception of Rule 23.1 the Monitoring Officer shall have authority to make alterations of a minor nature or such as are required to be enacted immediately to ensure compliance with statutory obligations. Any minor changes will be reported to the next meeting of the Council.

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