

CABINET - TUESDAY, 18 OCTOBER 2022

MINUTES OF A MEETING OF THE CABINET HELD HYBRID IN COUNCIL CHAMBER/REMOTE ON TUESDAY, 18 OCTOBER 2022 AT 14:30

Present

Councillor HJ David – Chairperson

JC Spanswick
JPD Blundell

N Farr

J Gebbie

HM Williams

Apologies for Absence

W R Goode

Officers:

Carys Lord	Chief Officer - Finance, Performance & Change
Claire Marchant	Corporate Director Social Services and Wellbeing
Janine Nightingale	Corporate Director - Communities
Kelly Watson	Chief Officer Legal, HR and Regulatory Services
Julie Ellams	Democratic Services Officer - Committees
Mark Shephard	Chief Executive
Mark Galvin	Senior Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support
Michael Pitman	Technical Support Officer – Democratic Services

38. DECLARATIONS OF INTEREST

None

39. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Cabinet of 19 July 2022 be approved as a true and accurate record.

40. PORTHCAWL WATERFRONT REGENERATION: APPROPRIATION OF LAND AT GRIFFIN PARK AND SANDY BAY

The Corporate Director Communities presented a report informing Cabinet of the representations received in response to the advertisement of the proposed appropriation of land at Griffin Park and Sandy Bay to support the Porthcawl Waterfront Regeneration Scheme. The Corporate Director Communities also asked Cabinet to consider the representations received as a result of the public notices and the officers' responses to those representations, and for Cabinet approval to proceed with the appropriation for planning purposes of the land at Griffin Park and Sandy Bay as outlined in red on the Appropriation Plan in order to facilitate the delivery of the Porthcawl Waterfront Regeneration Scheme.

The Corporate Director Communities explained the background to the proposals including details of the consultations undertaken. She outlined the land to be appropriated, the process of appropriation and discussed the public need for the existing use and the proposed planning use. She explained how the intention to appropriate the land was advertised and outlined the representations received and officers' comments in response to the issues raised. She explained all financial considerations would need to be considered on a project by project basis and further reports would be brought back to Cabinet and/or Council in connection with any future planned disposal/development of the appropriation land and wider regeneration area.

The Cabinet Member for Communities thanked the Corporate Director and officers for the report and the explanation of the process. He added that there had been a recent visit with other Councillors and officers to the site concerned so that they could fully understand the proposals. This was not about reducing the amount of open space and the loss of Griffin Park but an extension to double the size of what was there now. The area alongside the Hi Tide Car Park, the old Monster Park was a resource that was not currently being maintained and this would become part of Griffin Park and would help them to comply with the Well-being of Future Generations Act. There were some slight amendments to the original plans and one was the creation of a 200m long linear path along Salt Lake which was the equivalent of 2 football pitches. He added that he looked forward to seeing the end result.

The Deputy Leader seconded the report and added that she was looking forward to seeing more detailed plans. She did not understand some of the technical data in the considerable amount of information provided to the Cabinet Members and by members of the public opposing appropriation. She was pleased to be able to participate in the walk and to be able to visualise the space. Having only received emails against the plans, she was pleased to hear that some residents were in support. Porthcawl was looking particularly shabby and there had been no significant investment for many years so to ensure that Porthcawl remained a tourist destination and to ensure the viability of Porthcawl remained for many years to come in all weathers, this was a really good proposal.

The Leader added that this was a part of a series of developments in Porthcawl and the work on the Eastern Promenade had already had a positive impact on the appearance of that area.

The Cabinet Member for Resources thanked the Corporate Director for the lengthy and comprehensive introduction. He recognised the numerous emails he had received objecting to the proposals and added that he had not read anything in those emails to affect his decision making. He asked for clarification regarding the distinction between the local authority as landowner and as the Local Planning Authority, also he asked if there was any right of appeal against the decision they would be making. The Corporate Director Communities replied that as part of the Local Government Act 1972, as a Council they could appropriate land and there was no appeal against that decision. With regard to the authority being both landowner and the Local Planning Authority, as landowner they would require the benefit of a detailed planning approval, the same as any other landowner.

The Cabinet Member for Regeneration thanked the Corporate Director and her team for the report. She was really excited as there were lots of opportunities for local residents for both job prospects and leisure activities.

The Leader asked for confirmation that the planning context for both sites was in place, not just in this current Local Development Plan, but also in the predecessor Unitary Development Plan. The Corporate Director Communities confirmed this was correct.

The Leader added that he was mindful that they had responded to the public consultation for public open space and the linear seaside path was an addition and the centre piece to the development. He confirmed that a session had been arranged for the relevant scrutiny chairs and that they valued the interest and input from local members.

RESOLVED:

Cabinet:

- considered the representations received in response to the advertisement of the proposed appropriation of land at Griffin Park

and Sandy Bay and officers' responses to those representations set out in Appendix 5.

approved the appropriation for planning purposes of the land at Griffin Park and Sandy Bay outlined in red on the Appropriation Plan (Appendix 1)

41. **CALL-IN OF CABINET DECISION: RECYCLING AND WASTE SERVICE POST 2024**

The Chairperson of the Corporate Overview and Scrutiny Committee (COSC) presented Cabinet with the findings and recommendations of the COSC from their meeting held on 30 June 2022, following the decision of 4 Scrutiny Members to Call-In the decision of the Executive in relation to: Recycling and Waste Service Post 2024.

Following its examination of the decision, and detailed discussions with the Cabinet Member for Communities and Officers invited, the Committee concluded that the Decision would not be referred back to Cabinet for reconsideration but made the following Recommendations to Cabinet:

- a) That any future consideration of the Waste contract be presented to the Corporate Overview and Scrutiny Committee at a suitable time so as to enable pre-decision scrutiny and effective input into any forthcoming decision. The Committee requested that this incorporate any specialist advice that was commissioned for the future waste service model, before referring on to Cabinet, as mentioned at paragraph 9.5 of the Cabinet report;
- b) That going forward, contingency measures as well as a deeper look at other possible options for waste service provision was fully and openly considered and deliberated;
- c) That the other options that were considered in order for Cabinet to arrive at the current decision for a short-term waste contract from 2024 to 2026, be published in the public domain to ensure full openness and transparency.

The Cabinet Member for Communities thanked the Chair and the Scrutiny Committee for their open discussion and debate about the future of the service. He welcomed pre decision scrutiny which could help provide better decisions long term.

The Deputy Leader explained that she did not disagree with anything said and added that Cabinet would need to be more open with their questions as they had asked those questions but not in a public forum.

The Leader welcomed the input of COSC and their comprehensive deliberations which would be helpful and which they could build on into the future phases of the development.

The Chair of COSC agreed to convey their thanks to the committee members.

RESOLVED: Cabinet considered the recommendations of the Corporate Overview and Scrutiny Committee as outlined in paragraph 4.1 of the report and agreed to provide a written response to the Committee.

42. **PROPOSAL TO IMPLEMENT A BAN ON THE GIVING OF LIVE ANIMALS AS PRIZES ON COUNCIL OWNED LAND AND AN OVERVIEW OF WORK TO ENSURE HIGH STANDARDS OF ANIMAL HEALTH AND WELFARE ACROSS THE COUNTY BOROUGH**

The Head of Shared Regulatory Services presented a report seeking to implement a ban on the giving of live animals as prizes on all Bridgend County Borough Council owned land and provided Cabinet with an overview of the work of Shared Regulatory Services to ensure high standards of Animal Health and Welfare across the County Borough.

The Head of Shared Regulatory Services outlined the remit of the team and explained that the Service worked closely with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and other partners to achieve the best possible outcomes for animals in often challenging circumstances. The RSPCA conducted regular campaigns to raise awareness of the plight of animals, and one such campaign which had gained significant public interest concerned the fact that animals, usually goldfish, were still being given to people as prizes at fairs and other events across the country. While an outright ban on the practice could only be achieved through a change in the law, the RSPCA appealed to Councils in Wales to prohibit the giving of animals as prizes on any Council-owned land, ensuring the welfare of these animals was not compromised, as well as raising public awareness of the issue and leading the way on ending the practice. By adopting a ban, the Council would join a number of other local authorities in Wales, including Caerphilly, Conwy, Newport, Wrexham and the Vale of Glamorgan where the giving of live animals as prizes on Council-owned land was banned.

The Cabinet Member for Education thanked the Head of Shared Regulatory Services and her team for the work they had done. A number of residents had contacted him regarding this and he was pleased to see that this was being proposed.

The Deputy Leader suggested an additional condition that we as a Council make sure that our residents understand that the duty to police this lies with them and it needs to be a whole community response.

Cabinet agreed to accept the additional condition.

RESOLVED:

Cabinet:

- Noted the work of Shared Regulatory Services to ensure that high standards of animal health and welfare were maintained across the county borough.
- Noted and supported the RSPCA campaign to prohibit the practice of giving live animals away as prizes.
- Approved the implementation of a ban on the giving of live animals as prizes on all Bridgend County Borough Council owned land.
- Agreed that residents should be made aware that the duty to police the ban lies with them and a whole community response was necessary.

43. **SHARED REGULATORY SERVICES ANNUAL REPORT 2021-22**

The Head of Shared Regulatory Services presented the Shared Regulatory Services Annual Report for 2021-22 for noting. She provided the background to the Joint Working Agreement (JWA) underpinning the work of the Shared Regulatory Service (SRS) and the SRS Committee. In accordance with the Joint Working Agreement, the Shared Service was required to produce an Annual Report that covered the operational and financial performance of the service for the preceding year. The SRS Annual Report 2021-2022 reflected upon the seventh year of operation of the Shared Service. It outlined performance over the course of the 2021-22 financial year, the progress made in achieving the objectives set out in the SRS Business Plan, and the summary revenue account and statement of capital spending.

The Head of Shared Regulatory Services outlined the key aspects of operational performance across the region and specifically for Bridgend County Borough Council.

The Deputy Leader moved the report and added that she was pleased to see the work undertaken by SRS colleagues first hand. One of her residents was one of those affected by a builder. Residents did not know that this was available to them and it was

something that should be promoted more to protect residents. There was likely to be more instances now of more and more vulnerable people being affected, particularly as they tried to save costs by using rogue traders.

The Leader confirmed that there would be a subsequent report to Cabinet updating them on progress and making decisions about next steps on the air quality action zone. He referred to the use of the noise app which was a new initiative going from strength to strength. It allowed residents to record noise and such technology was welcomed.

RESOLVED: Cabinet noted the Shared Regulatory Services Annual Report for 2021-22.

44. **CORPORATE SELF-ASSESSMENT**

The Chief Executive presented a report providing an update on the Council's corporate self-assessment, as required by the Local Government and Elections (Wales) Act 2021 and seeking endorsement from Cabinet for the self-assessment report attached as Appendix 1, to be submitted to Council for approval on 19 October 2022.

The Chief Executive explained that the process that was reported to the Governance and Audit Committee in June, and presented to CPA members in June and July, had now been completed. The findings and judgements had been collated into a single, simple, accessible report. In line with Welsh Government (WG) and Welsh Local Government Association (WLGA) guidance, the self-assessment report and annual well-being assessment had been merged into a single document attached as Appendix 1. This was the first year of the self-assessment process and as they moved forward it would evolve and improve. This was the last year of the current Corporate Plan and there could be an opportunity to update some of the well-being objectives in future.

The Deputy Leader thanked the Corporate Policy and Public Affairs Manager for taking Cabinet through the document. This was a different process and residents should find it simpler to understand.

The Leader agreed there would be room for improvement in future. They had looked at what other authorities were doing and would report back on good practice. There would be longer engagement in future. He added that this was a self-assessment at a point in time, March 2022, and a lot could happen in a few months.

RESOLVED: Cabinet endorsed the corporate self-assessment report 2021-22 attached as Appendix 1, to be submitted to Council for approval on 19 October 2022.

45. **REVIEW OF CORPORATE PLAN TARGETS FOR 2022-23**

The Chief Executive presented a report seeking Cabinet endorsement of the proposed changes to Corporate Plan targets for 2022-23 as outlined in Appendix A to the report, prior to submission to Council for approval on 19 October 2022.

The Chief Executive explained that as part of the approval process for the refreshed Corporate Plan it was acknowledged that as the Council was in the recovery phase post COVID-19 it was still having an impact on the planning cycle, making it more challenging in some instances to set targets for 2022-23. It was agreed by Council that a flexible approach to setting corporate plan targets was necessary to ensure business planning was robust and effective. He explained that appendix A to the report set out the proposed changes to the Corporate Plan targets, and if endorsed by Cabinet and approved by Council this would be published as an addendum to the current Corporate Plan.

The Deputy Leader endorsed the report and asked the Director of Social Services for some clarity around why there was a reduction of targets, particularly in response to the community resource team. The Director of Social Services replied that in terms of the community resource team, during COVID there was a reduction in activity which resulted in a reduction in the percentage of people who had a reduction in their care needs. Post reablement they had seen an increase in people who had no care needs once they had gone through the reablement service. This was a key example where some of the targets within the plan, weren't the most helpful. It could be helpful to look at more meaningful measures in future which told the whole picture.

The Cabinet Member for Communities referred to the point around decarbonisation and environmental sustainability and the excellent work in that area. He stressed that the targets set should be challenging. The target of 30% for recycling should be more challenging as they had already hit 40.7% for 21/22. He suggested the target be amended to 40%.

The Corporate Director for Social Services explained that in relation to the targets that they were proposing to set around employment, education and training for care leavers, on reflection the targets weren't aspirational enough. There was some nervousness at setting targets higher because there were some challenges in terms of the data in this area. There was an Improving Outcomes for Children Board, which was benefiting from an independent advisor and in reflection, the targets were not aspirational enough. The actual achievements were better than target and she proposed an amendment to the report to at least achieve what they did the previous year.

RESOLVED: Cabinet endorsed the revised Corporate Plan targets for 2022-2023 as set out in Appendix A to the report, (subject to the adjustments to targets proposed by the Corporate Director of Social Services and Wellbeing and the Corporate Director for Communities) and recommended it to Council for approval on 19 October 2022,

46. **THE ESTABLISHMENT OF AN ADVISORY BOARD WITH AWEN TO SUPPORT STRATEGIC DIRECTION AND PARTNERSHIP DEVELOPMENT IN BRIDGEND**

The Corporate Director of Social Services and Wellbeing presented a report seeking Cabinet approval to establish an Advisory Board approach to support the governance and partnership working with Awen via a Deed of Variation to the partnership agreement.

The Corporate Director of Social Services and Wellbeing provided the background to the partnership with Awen and explained that with the success of the partnership and to better align strategic planning between organisations, it was an appropriate time to improve the effectiveness of arrangements and to ensure that members and officers of the Council were more connected to the partnership arrangement with Awen.

The Corporate Director of Social Services and Wellbeing explained that the partners had concluded that an advisory group approach would support increased dialogue and transparency, engagement in strategic planning that was specific to Bridgend, review of progress and performance, identification and sharing of challenges and issues, together with opportunities for ongoing focus and development. A draft Terms of Reference was included at Appendix 1 for information that would be reviewed and formalised at the first Advisory Board meeting.

The Cabinet Member for Regeneration thanked the Director for Social Services for the comprehensive report. This was an excellent idea and working with Halo had shown them what good partnership could look like.

The Deputy Leader seconded the report and stressed that what was really important to note was the amount of use throughout the pandemic and the support that they gave to residents on a regular basis. Coming into a cost of living crisis, they needed governance arrangements in place.

The Leader emphasised that the proposal was to include on the Partnership Board the Chair of the Overview and Scrutiny Committee 3, which was the relevant committee. This was an arrangement that mirrored the Advisory Board for Halo and a successful model on which they had based this partnership arrangement.

RESOLVED: Cabinet:

- approved the proposed change to an Advisory Board approach to better support the partnership and current contractual arrangement and to provide notice to Awen of the agreed change;
- determined the representation on the Advisory Board

delegated authority to the Corporate Director of Social Services and Wellbeing to negotiate and agree the final terms of the Deed of Variation and to arrange execution of the Deed of Variation on behalf of the Council, subject to such delegated authority being exercised in consultation with the Chief Officer Legal & Regulatory Services, HR & Corporate Policy and the Chief Officer – Finance, Performance and Change.

47. **THE PROVISION OF CARE AND SUPPORT IN THE SECURE ESTATE**

The Corporate Director of Social Services and Wellbeing presented a report updating Cabinet on the necessity to change the arrangements for the care and support for prisoners with eligible needs in HMP Parc, in order to meet the Council's duty to meet need under the Social Services and Wellbeing (Wales) Act 2014.

The Corporate Director of Social Services and Wellbeing was also advising Cabinet that the Social Services and Wellbeing Directorate would be seeking approval from Cabinet:

- to transfer the existing care and support provision currently delivered by G4S Health Services (UK) Ltd to the Council noting the TUPE (Transfer of Undertakings (Protection of Employment)) transfer of existing G4S staff and
- to review the existing contractual arrangements with G4S and enter into a varied or new agreement.

The Corporate Director of Social Services and Wellbeing explained the responsibilities for the Authority, as required by the Social Services and Wellbeing (Wales) Act, 2014. She added that from December 2022, Cwm Taf Morgannwg University Health Board (CTM UHB) would directly provide for the health needs of the prison population in HMP Parc. However, there would still be a duty for the social care element to be provided/commissioned within the prison. The UHB could not provide regulated social care without entering into a formal partnership agreement with the Council; and whilst an integrated provision remained a desirable potential option for the future, the deadline for the transfer of care provider prohibited this option at this time, as it was unlikely the time frame could be accomplished as the UHB was not currently a registered care provider for the purposes of the Regulation and Inspection of Social Care (Wales) Act. The Council was unable to commission an independent domiciliary company to provide this care due to the constraints within HMP Parc Prison as laid out in a previous report to Cabinet on 26 July 2016. The report recognised the difficulties in providing services in the prison setting and Cabinet approval was given to approve a waiver under the Contract Procedure Rules from the requirement to seek competitive tenders for the provision of care and support within HMP Parc on the basis that there was technically only one organisation that could deliver the service.

The Corporate Director Social Services and Wellbeing explained that the only viable option available that would enable the Council to meet its statutory duty was for the Council to take direct responsibility for the social care service currently provided by G4S Health Services (UK) Ltd. The existing contractual arrangements between the Council and G4S would be reviewed. She added that initial discussions had taken place with Human Resources and it was proposed that the existing care staff currently employed by G4S would be subject to a TUPE (Transfer of Undertakings (Protection of Employment)) transfer to the Council allowing the retention of existing knowledge and skills. A transfer consultation with affected employees together with an analysis of the implications on the existing staff structure would take place prior to the agreed date of transfer of the work. The consultation would provide an opportunity for the affected employees to raise any issues, find solutions and have the opportunity to input on the decisions.

The Deputy Leader supported the proposal and asked if officers could reflect on the situation and that Cabinet should have been made aware of this in a much timelier fashion in which case they would not now be in this position. The Deputy Leader intended writing a letter to WG because there would be an increase in demand on services from the prison population. It did not come through grant funding anymore and the RSG settlement went to every single council whether they had secure estate or not.

The Deputy Leader asked about the overnight service provision. Care and support was not only required between 7am and 10pm. She asked how they managed without any overnight service provision.

The Leader supported the Deputy Leader writing to Welsh Government as this was a responsibility that had been passed to the authority as a direct result of legislation made in Wales. That responsibility was growing because of the aging population and the demographics of the population in the secure estate was different to that in other parts of Wales and more likely to include older prisoners with care needs.

The Corporate Director Social Services replied that as a service they were working through the learning and reflections and this was a complex area of service that not many local authorities had to become involved in. They were currently doing some work in terms of the overnight requirements to make sure that they were properly resourced to fulfill those needs and their duties under the Social Services and Wellbeing Act for that prisoner population. The report provided some details of the type of conditions that prisoners were experiencing while they were living in that secure estate. She was happy to support the Deputy Leader from a professional perspective providing points for Welsh Government.

RESOLVED

Cabinet:

- Noted the information contained in the report and the responsibilities for the Council under the Social Services and Wellbeing (Wales) Act 2014;
- Approved the transfer of the care and support service provision at HMP Parc to the Council noting the TUPE implications as outlined at paragraph 4.10 of the report

Delegated authority to the Director of Social Services and Wellbeing in consultation with the Chief Officer – Legal and Regulatory, Human Resources and Corporate Policy and the Section 151 Officer to continue negotiations with G4S and finalise and enter into a varied or new agreement with G4S.

48. **OUTCOME OF PUBLIC NOTICE TO OPEN PROVISION FOR PUPILS WITH ADDITIONAL LEARNING NEEDS ESTABLISHING A LEARNING RESOURCE CENTRE FOR PUPILS WITH AUTISTIC SPECTRUM DISORDER AT TREMAINS PRIMARY SCHOOL.**

The Corporate Director Education and Family Support presented a report informing Cabinet of the outcome of the public notice on the proposal to open provision for pupils with additional learning needs (ALN), establishing a learning resource centre (LRC) for pupils with autistic spectrum disorder (ASD) at Tremains Primary School.

The Corporate Director Education and Family Support explained that Bridgend County Borough Council (BCBC) had taken a proactive approach by commissioning an additional learning needs strategic planning provision review in 2020. One of the areas which had been identified for additional provision was at Key Stage 2 for children with ASD. There was an identified need to open an additional LRC for children with ASD. Adaptation works to Tremains Primary School funded through the Schools Maintenance capital grant had begun, which would afford the space required to open an ASD LRC.

The Corporate Director Education and Family Support explained that the statutory public notice was issued on 30 June 2022 and the closing date for objections was 27 July 2022. He confirmed there were no objections received during the statutory notice period and Cabinet was therefore, now able to determine the implementation of the proposal. He explained the financial implications as outlined in the report.

The Cabinet Member for Education thanked the Corporate Director Education and officers for the report. No objections had been received and he was happy to approve the report.

The Leader agreed that this was very good news for the community and the new classroom would be open in the winter term.

RESOLVED: Cabinet

- noted that no objections were received during the public notice period; and

49. approved the implementation of the proposal with an opening date of autumn term 2022.
SCHOOL MODERNISATION PROGRAMME - COETY PRIMARY SCHOOL - PERMISSION TO COMMENCE STATUTORY CONSULTATION

The Corporate Director Education and Family Support presented a report seeking Cabinet approval to commence a statutory consultation process in respect of a regulated alteration to enlarge Coety Primary School to a 2.5-form-entry school with an 88 full-time equivalent nursery. The proposal, if approved, would come into effect from the beginning of the spring term 2025.

The Corporate Director Education and Family Support explained that in order to address the demand for places at Coety Primary School, officers undertook an options appraisal which identified the need to increase provision at the school. The appraisal resulted in a preferred option being identified in the form of a two-storey, four-classroom extension and on 15 June 2022, Council approval was received to include the scheme in the capital programme.

The Corporate Director Education and Family Support explained that the proposal would result in Coety Primary School's capacity increasing from 420 to 525 places for pupils aged 4 to 11 years (that is, a 2.5-form-entry school). The published admission number (PAN) of the enlarged school would be 75. Also, as a result of the development, there would be an opportunity to increase the existing nursery provision from 76 full-time equivalent places to 88 full-time equivalent places. He added that the proposal to enlarge Coety Primary School required the local authority to make a regulated alteration under the School Organisation Code 2018. A full consultation exercise was required with stakeholders including the school's governing body, staff, parents, pupils, and other

interested parties. The consultation document would set out the implications of the proposal and following this period of consultation, a further report on the outcome of the consultation would be submitted to Cabinet to consider the result of that process. Cabinet would then need to decide whether to authorise the publication of a statutory notice. If such a notice were issued, it would invite formal objections during the statutory 28-day period.

The Corporate Director Education and Family Support explained the financial implications as outlined in the report.

The Cabinet Member for Education thanked the Corporate Director Education and officers for the report. This was great news for Coety Primary School and the residents of Coety and Parc Derwen. This was the first stage of the process and they would be working closely with the community and with Members and the School Governing Body to make sure that this school was fit for everyone.

The Leader added that in addition to the statutory school consultation process there was also the statutory planning process which would provide an opportunity for feedback from the community. An issue had already been raised regarding the availability of outdoor space and this would be considered as part of the process.

The Deputy Leader raised a concern regarding recruiting staff for the pupils with additional learning needs and asked how this would be managed.

The Cabinet Member for Education replied that there was a challenge with regard to staffing in all of the schools and one of the challenges with Coety Primary School in particular was around the provision of staff for breakfast provision. Significant work was going on with regards to recruitment and also using staff more flexibly across settings. He confirmed that they were working on it but the challenges were significant.

- RESOLVED:** Cabinet gave approval to commence a statutory consultation process to make a regulated alteration to enlarge Coety Primary School to a 2.5-form-entry school with an 88 full-time equivalent nursery from the beginning of spring term 2025.
50. **OUTCOME OF PUBLIC NOTICE TO OPEN PROVISION FOR PUPILS WITH ADDITIONAL LEARNING NEEDS ESTABLISHING A LEARNING RESOURCE CENTRE FOR PUPILS WITH MODERATE LEARNING DIFFICULTIES AT YSGOL CYNWYD SANT**

The Corporate Director Education and Family Support presented a report informing Cabinet of the outcome of the public notice on the proposal to open provision for pupils with additional learning needs (ALN) establishing a learning resource centre (LRC) for pupils with moderate learning difficulties (MLD) at Ysgol Cynwyd Sant.

The Corporate Director Education and Family Support explained that Bridgend County Borough Council (BCBC) had taken a proactive approach by commissioning an additional learning needs strategic planning provision review in 2020. One of the areas which had been identified for additional provision was at Key Stage 2 for children with MLD who attend Welsh-medium provision. There was an identified need to open a LRC for children with MLD who attended Welsh-medium schools. Building works were planned for an unused building at Ysgol Cynwyd Sant, this would afford the accommodation required for the MLD LRC. This was being funded through the Schools Maintenance capital grant.

The Corporate Director Education and Family Support explained that the public notice was issued on 30 June 2022 and the closing date for objections was 27 July 2022. He confirmed that no objections had been received during the statutory notice period and that Cabinet was, therefore, now able to determine the implementation of the proposal.

The Corporate Director Education and Family Support explained the financial implications as outlined in the report.

The Cabinet Member for Education thanked the Corporate Director Education and officers for the report. This was great news for the Authority and Ysgol Cynwyd Sant and it strengthened the commitment to the medium of Welsh language.

The Leader welcomed progress on this and noted the support from the school community. He looked forward to seeing the provision open in the winter term.

RESOLVED: Cabinet

- noted that no objections were received during the public notice period; and

approved the implementation of the proposal.

51. **APPOINTMENT OF LOCAL AUTHORITY GOVERNORS**

The Corporate Director Education and Family Support presented a report seeking approval from Cabinet for the appointment of local authority governors to the school governing bodies listed at paragraph 4.1 to the report.

The Corporate Director Education and Family Support explained that for the seven current local authority governor vacancies at the six schools in the table, all applicants met the approved criteria for appointment as a local authority governor and there was no competition for these vacancies and he therefore recommended the appointments accordingly. However, since the publication of the report he had been advised that Cllr Alex Williams no longer wished to be considered for the position of local authority governor at Pencoed Comprehensive School. Therefore Cabinet was recommended to approve the appointments detailed in paragraph 4.1 with the exception of Councillor Alex Williams.

The Cabinet member for Education thanked members of the public and Members who had put their names forward. There were still many vacancies in local schools and he pleaded for others to apply for these important positions.

The Leader thanked Cllr Alex Williams for his contribution at Pencoed Comprehensive School.

RESOLVED: Cabinet approved the appointments detailed at paragraph 4.1 of the report, subject to the deletion of Cllr Alex Williams for Pencoed Comprehensive School.

52. **SCHOOL MODERNISATION PROGRAMME - HERONSBRIDGE SCHOOL OUTCOME OF STATUTORY NOTICE**

The Corporate Director Education and Family Support presented a report informing Cabinet of the outcome of the published statutory notice in respect of the replacement Heronsbridge School and seeking approval to modify the implementation date of the proposal to the beginning of spring term 2026 and seeking approval to issue and publish a decision letter, as prescribed by the School Organisation Code 2018 (the Code).

The Corporate Director Education and Family Support provided a background to the proposal and explained that following Cabinet approval on 14 June 2022, the consultation report was published on the Council's website and stakeholders were informed accordingly. The statutory notice closed on 27 July 2022 and no objections were received in respect of the proposal. He explained that an in-depth review of the delivery programme for the replacement school had been undertaken and advice had been received from internal and external consultants in this regard. Given the specialist

nature of the school, sufficient time to undertake meaningful consultation with a structured programme of engagement with stakeholders, including the governing body, staff and pupils would be required. It was vital that the school and Health colleagues had input into this important stage of the process. Therefore, the proposed opening date for the replacement school should be modified to the beginning of the spring term 2026 in order to allow time within the programme for suitable stakeholder engagement to take place. He added that the local authority had consulted with Heronsbridge School's Governing Body regarding the proposed modification, and the Chair had confirmed that the revised date was accepted but had stressed the importance of devoting the extra consultation period for engagement with stakeholders to ensure that the new building did the pupils and County Borough justice. The Chair advised that the governing body expected the best for their pupils, which began with detailed consultation with all stakeholders at the design stage before building work began.

Cabinet was now requested to consider the outcome of the statutory process and determine whether to implement the proposal. Cabinet could either decide to accept, reject, or modify the proposal.

The Corporate Director Education and Family Support explained the financial implications as outlined in the report.

The Cabinet Member for Education thanked the Corporate Director Education and officers for the report. It was great news that this was moving forward in conjunction with the Head, the Governing Body and with parents and students alike.

The Leader added that the case for this was compelling and they desperately needed a much bigger school. They would ensure the design was of the highest quality and they would look at best practice across Wales. He had just visited Ty Hafan which had recently benefited from a modernisation and extension and there was a real opportunity to consider the environment they had created for children with complex needs.

The Cabinet Member for Communities requested that a visit be arranged for Cabinet to visit the current provision so that they could fully appreciate the shortfalls and ensure that the new provision met their needs.

The Cabinet Member for Education confirmed that they were currently looking for a date to arrange a visit.

RESOLVED: Cabinet:

- noted the outcome of the published statutory notice to make regulated alterations to Heronsbridge School to increase the number of pupils for whom the school makes provision to 300 and to relocate the school from its current location at Ewenny Road, Bridgend to Island Farm, Bridgend;
- determined to modify the implementation date of the proposal to the beginning of spring term 2026; and
- gave approval to issue and publish a decision letter, as required by the Code.

53. **SCHOOL MODERNISATION PROGRAMME - HERONSBRIDGE SCHOOL, PROCUREMENT**

The Corporate Director Education and Family Support presented a report seeking Cabinet approval for the procurement strategy for the design and build of the replacement school; seeking Cabinet approval to proceed with the procurement process; advising Cabinet that they would be presented with a future report regarding the outcome of an options appraisal in respect of Social Services and Wellbeing Directorate's residential and respite provision; and advising Cabinet that they would be

presented with a future report prior to awarding the main construction contract, which set out the position regarding project costs and budget.

The Corporate Director Education and Family Support provided the background to the proposals and then explained the current situation and outlined the various options. He explained that during the design development stage for the replacement school, officers from the Social Services and Wellbeing Directorate would work with the Education and Family Support Directorate to consider costed options to relocate the residential and respite service alongside the replacement school. The outcome of this process would be reported to a future Cabinet meeting. As the design and build would be a two-stage process, minimal costs in terms of design would be incurred and there would be no commitment to go through to the second stage. He reminded Cabinet that the Corporate Landlord Department was in the process of acquiring the Island Farm site for the proposed school. It was important to note that there was an element of risk in respect of this process. Should this transaction not proceed, this matter would be reported to a future Cabinet meeting and approval would be sought to abandon the proposal as published. Notwithstanding the above, it was the Board's recommendation that the design process for the replacement school commences and runs concurrently with concluding the site transaction process.

The Corporate Director Education and Family Support outlined the financial implications and concluded that any abortive design fees/costs associated with the development would have to be funded by Council revenue budgets. He explained that the financial implications were set out in the report.

The Cabinet Member for Education thanked the Corporate Director Education and officers for the report. He stated that this was the largest capital expenditure this Council had ever taken on and was a massive undertaking. Having moved the previous report it was for them to make sure the school was ready for students as soon as possible.

The Deputy Leader added that having met the current residents of Harwood House, the accommodation was limiting. There would be an increase in demand for this facility and having it all together meant there could be more integration of services.

The Leader could see that they had obviously had to carefully consider the significant impact of inflationary pressures in the construction industry, whereas on previous projects they had more stable prices. This was a fair and transparent way of identifying additional costs as they arose and he was supportive of this type of procurement.

RESOLVED:

Cabinet:

- approved the preferred procurement strategy as set out in paragraphs 4.2, 4.3 and 4.16 in respect of the appointment of a design team and main contractor for Heronsbridge School;
- gave approval to proceed with the procurement process;
- noted that Cabinet would be presented with a future report regarding the outcome of the options appraisal in respect of Social Services and Wellbeing Directorate's residential and respite provision; and
- noted that Cabinet would be presented with a future report prior to awarding the main construction contract which set out the position regarding project costs and budget.

54. **SCHOOL MODERNISATION PROGRAMME - YSGOL GYMRAEG BRO OGWR**
OUTCOME OF STATUTORY NOTICE

The Corporate Director Education and Family Support presented a report informing Cabinet of the outcome of the published statutory notice in respect of the replacement

Ysgol Gymraeg (YG) Bro Ogwr, seeking approval to implement the proposal with effect from the beginning of autumn term 2025 and seeking approval to issue and publish a decision letter, as prescribed by the School Organisation Code 2018 (the Code).

The Corporate Director Education and Family Support gave the background to the proposal and explained that in June 2022, Cabinet was informed of the outcome of the statutory consultation process and gave approval to publish the consultation report and statutory notice in respect of the proposal. The statutory notice was published on 30 June 2022 for a period of 28 days and formal written objections were invited during this time.

The statutory notice closed on 27 July 2022 and one emailed correspondence was received relating to the proximity of the existing site to the proposed new site at Ffordd Cadfan and querying the active and learner travel requirements. No objections were received and Cabinet was now requested to give full consideration to the outcome of the process and determine whether to implement the proposal.

The Corporate Director Education and Family Support explained the financial implications as outlined in the report.

The Cabinet Member for Education thanked the Corporate Director Education and officers for the report. This was another good news report and this primary school would be the largest of any language in the Borough and an important step for growing the Welsh language in the Borough.

The Cabinet Member for Communities said he was extremely pleased to be seconding this report based on its location on a brown field site.

RESOLVED:

Cabinet:

- noted the outcome of the published statutory notice to make a regulated alteration to enlarge Ysgol Gymraeg Bro Ogwr to a 2.5 form-entry school, with a 90 place full-time equivalent nursery, plus an 8-place observation and assessment class on land off Ffordd Cadfan;
- determined to implement the proposal with effect from the beginning of the autumn term 2025; and

gave approval to issue and publish a decision letter, as required by the Code.

55. **WELSH MEDIUM CHILDCARE - BRIDGEND TOWN**

The Corporate Director Education and Family Support presented a report detailing the outcome of the options appraisal process for the delivery of Welsh-medium childcare provision for the Bridgend Town area and seeking approval to co-locate the Welsh-medium childcare provision for the Bridgend Town area with Ysgol Gymraeg (YG) Bro Ogwr.

The Corporate Director Education and Family Support outlined the background to the report and explained that Officers had considered a long list of sites in the Bridgend Town area, based on their suitability and location for the development of the childcare facility. The project team had considered the potential sites and determined that the preferred option for the Welsh-medium childcare provision would be that it should be co-located alongside YG Bro Ogwr. If the proposal to enlarge YG Bro Ogwr to a 2.5-form-entry provision at the Ffordd Cadfan site in Brackla proceeded, the childcare provision would be an integral part of the school, but with a separate access into that part of the building. Incorporating the provision into the new build presented economies of scale. If the new school proposal did not proceed, the provision could be located on the existing YG Bro Ogwr site. However, it would be necessary to construct a stand-alone childcare facility that could be accommodated on the grassed area opposite the main entrance to

the school. Co-locating the Welsh-medium childcare provision alongside the Welsh medium primary school would encourage excellent transition links and promotion of the Welsh language, by having all-through provision in the same location. The outcome of the options appraisal undertaken by the project team was reported to the School Modernisation Strategic Programme Board and the preferred option recommended within this report was agreed by the Board.

The Corporate Director Education and Family Support explained the financial implications as outlined in the report.

The Cabinet Member for Education thanked the Corporate Director Education and officers for the report. This report complemented the previous one and as already stated, it would allow excellent transition links.

The Leader stated that at least a dozen sites had been considered however the key advantage of this site was that it enabled the smooth transition from early years into primary education.

RESOLVED: Cabinet gave approval to co-locate the Bridgend Town area Welsh-medium childcare provision with YG Bro Ogwr.

56. **SCHOOL MODERNISATION, BRIDGEND WEST - MODIFICATION OF ENGLISH-MEDIUM SCHOOL OPENING DATE**

The Corporate Director Education and Family Support presented a report seeking Cabinet approval to approve Option A (indicative delivery programme) as the preferred programme for delivery of the schools and to modify the planned opening date of the new Bridgend West English-medium school to September 2024.

The Corporate Director Education and Family Support explained the background to the report and that on 14 September 2021 Cabinet approved the submission of the Stage 1 MIM 'New Project Request' to Welsh Government. Gleeds revisited the programme and their revised indicative programme was attached (Appendix 1) which detailed two alternative options for the delivery of the new schools.

The Corporate Director Education and Family Support outlined the 2 options. Given that the revised programme dates now differed significantly from those originally supplied and subsequently published in the statutory notice, Cabinet would need to consider the options as detailed in paragraph 4.2 of the report, and determine to modify the implementation date, as required by the School Organisation Code 2018. In this case, Gleeds (who were the Welsh Government-appointed project management company for all MIM schemes) had provided the revised programmes because implementation of the proposals on the originally published dates would be unreasonably difficult.

The Corporate Director Education and Family Support confirmed that the governing bodies of the directly affected schools (Afon Y Felin Primary School, Corneli Primary School and Ysgol y Ferch o'r Sgêr) had been consulted regarding the modification of the implementation date of the English-medium school reorganisation to September 2024 and the responses received were supportive.

The Corporate Director Education and Family Support explained the financial implications as outlined in the report.

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The Cabinet Member for Education thanked the Corporate Director Education and officers for the report. He believed this was the correct action to take. Option A would allow them to build the schools simultaneously and allow them to open at the same time and one would not be treated any different to the other. Local Members and the public were excited to see these plans come to fruition.

The Leader added that it was a welcome investment in primary school provision in Cornelly.

RESOLVED: Cabinet:

- a. Approved Option A as the preferred programme for delivery of the schools; and
- b. Modified the planned opening date of the new Bridgend West English-medium school to September 2024.

57. CHILDCARE SUFFICIENCY ASSESSMENT 2021-2022

The Corporate Director Education and Family Support presented a report informing Cabinet of the outcomes of the Childcare Sufficiency Assessment (CSA) and seeking approval of the Gaps Analysis and Action Plan for submission to Welsh Government as part of the CSA 2021 – 2022.

The Corporate Director Education and Family Support explained that the regulations required a full CSA and Action Plan to be submitted to Welsh Government five years after the first. The Act required local authorities to secure, as far as reasonably practicable the provision of childcare that was sufficient to meet the requirements of parents in their area to enable them to take up, or remain, in work; or undertake education or training which could reasonably be expected to assist them to obtain work.’ The gaps analysis (Appendix 1 to the report) summarised the key results of the CSA and identified gaps in provision across the county borough and informed the five-year action plan (Appendix 2 to the report).

The Corporate Director Education and Family Support reported that Bridgend County Borough Council was meeting its statutory duty of providing sufficient childcare to working families. The CSA had, however, identified gaps in childcare provision and the availability of information. These gaps aligned with those identified by the local authority’s Childcare Team, whose operational knowledge and expertise of the childcare sector was extremely well-informed. The gaps analysis informed the five-year action plan and would inform the priorities set out by the local authority’s Early Years and Childcare Team, ensuring the local authority continued to meet its statutory duty.

The Corporate Director Education and Family Support explained the financial implications as outlined in the report.

The Cabinet Member for Education thanked the Corporate Director Education and officers for the report. This was a regular report compiled as part of the statutory duty towards Child Care Sufficiency. Although the BCBC allocation had not been confirmed as of yet, the money would be coming forward to support the gaps that had been identified.

The Deputy Leader seconded the report and agreed that this was a really generous offer by Bridgend to the residents. She had concerns around the grant funding element. Welsh Government had given the authority grant funding for 3 to 5 years but this was not long term and how were they going to provide it going forward. Welsh Government needed to give some indication around time frames and how they would put it in the

RSG. She added that she was happy to write to Welsh Government expressing these concerns.

The Leader stated that this was a welcome investment from Welsh Government and that we should identify as quickly as possible, timescales and requirements. This was potentially a large sum of money that would need to be deployed in a short time scale

RESOLVED: Cabinet approved the gaps analysis and action plan (attached as appendices 1 and 2 to the report) for submission to Welsh Government as part of the Childcare Sufficiency Assessment 2021 - 2022.

58. **BUDGET MONITORING 2022-23 Q2 REVENUE FORECAST**

The Chief Officer – Finance, Performance and Change presented a report providing Cabinet with an update on the Council's revenue financial position as at 30 September 2022. She provided a background to the report and explained that as part of the Performance Management Framework, budget projections were reviewed regularly and reported to Cabinet on a quarterly basis. The delivery of agreed budget reductions was also kept under review and reported to Cabinet as part of this process.

The Chief Officer – Finance, Performance and Change referred to the Council's net revenue budget and projected year end spend for 2022-23 as shown in Table 1 of the report. She explained that the overall projected position at 30 September 2022 was a net over spend of £3.433 million comprising £6.098 million net over spend on directorates and a net under spend of £2.665 million on Council wide budgets.

The Chief Officer – Finance, Performance and Change explained the implications of the significant reduction to the WG Hardship fund and Covid related claims to Welsh Government. She updated Cabinet on budget virements and technical adjustments and pay and price inflation. In recent months the Council had experienced additional costs not only as a result of the pandemic, but also rising costs resulting from Brexit, the impact of the war in the Ukraine, and increases in inflation not seen for over a decade.

The Chief Officer – Finance, Performance and Change outlined the budget reduction proposals, prior year budget reductions and budget reductions for 2022-23. She provided a summary of the financial position for each main service area and the most significant variances and a review of earmarked reserves.

The Chief Officer – Finance, Performance and Change reported that this was the first time in her career in local government that she had had to report such significant in year budget pressures. She wanted to reassure Cabinet that it was reflected across Wales and not unique to Bridgend. There were significant pressures now sitting in this year's budget and she added that they were monitoring this all of the time and would come back with update reports on the budget position. With the current economic climate, things were changing on a daily basis so they were monitoring it very closely.

The Cabinet Member for Resources stated that the position had become very grave and he certainly had not seen a financial outlook like this previously. In all his years responding to austerity, it had not been as significant as the challenges they faced today.

The Deputy Leader seconded the report but was not happy about the budget position in Bridgend. She wanted to raise members awareness around the Social Services and Wellbeing Directorate, and in particular that all current projections were indicating that they were going to be overspent by £7.499 million by the financial year end. The

overspends were in learning disabilities, day opportunities and older peoples residential care, mental health, home care equipment and adaptations learning disabilities. All of these had overspends already and part of that was down to the demand because they were led by service demand. The challenge ahead was significant and the authority needed to raise residents awareness to this. She was quite frightened about how they would be able to provide the service in the future and how they would protect the most vulnerable residents. All members irrespective of their political affiliation needed to raise this with their political groups because they needed to lobby Westminster with regard to the consequences.

The Leader added that this was a financial outlook that had been experienced by every single local authority. There were significant multi-million pound in year overspends and no easy options. He added they would try and deliver on those savings that they were committed to making and consider whatever options and tools that they had available to make further savings. As already said by the Cabinet Member for Resources, they had already made over £60 million of savings and cuts in previous years. The savings still to be made were not of the scale required to close the gap.

59. **RESOLVED:** Cabinet noted the projected revenue position for 2022-23.
CAPITAL PROGRAMME UPDATE Q2 2022-23

The Chief Officer – Finance, Performance and Change presented a report providing an update on the capital programme position for 2022-23 as at 30 September 2022 (Appendix A) and seeking agreement from Cabinet to present a report to Council for approval for a revised capital programme for 2022-23 to 2031-32 (Appendix B) and asking Cabinet to note the projected Prudential and Other Indicators for 2022-23 (Appendix C).

The Chief Officer – Finance, Performance and Change provided the background to the report and then gave an update on the Council's Capital Programme for 2022-23 since it was last approved by Council and incorporated any new schemes and grant approvals. She referred to table 1 in the report which showed the change in the capital programme for each Directorate from the July 2022 (Quarter 1) approved Council position to Quarter 2. Table 2 summarised the current funding assumptions for the capital programme for 2022-23. A number of schemes had already been identified as requiring slippage of budget to future years (2023-24 and beyond). The Chief Officer – Finance, Performance and Change identified the schemes that made up the slippage of £7.207 million.

The Chief Officer – Finance, Performance and Change outlined the new externally funded schemes approved and internally funded schemes which had been incorporated into the capital programme. She provided an update on prudential and other indicators 2022-23 monitoring and capital strategy monitoring.

The Cabinet member for Resources stated that there was some better news in this report with some additional grant funding from Welsh Government which they were very grateful for. They could now hopefully proceed with the schemes outlined in appendix A within budget.

The Leader added that funding had been made available for an additional mobile classroom at Bro Ogwr in addition to the planned redevelopment of the school because there was very high demand for places. This allowed them to offer spaces earlier than planned. He also welcomed the funding for the Urban Centre Property Enhancement scheme for bringing back into use, a long standing vacant property at the top of the Rhiw Shopping Centre.

RESOLVED: Cabinet:

- Noted the Council's Capital Programme 2022-23 Quarter 2 update to 30 September 2022 (Appendix A to the report);
 - Agreed that the revised Capital Programme (Appendix B) be submitted to Council for approval;
 - Noted the projected Prudential and Other Indicators for 2022-23 (Appendix C)
60. **TREASURY MANAGEMENT -QUARTER 1 2022-23**

The Chief Officer – Finance, Performance and Change presented a report on the projected Treasury Management Indicators for 2022-23. She provided the background to the report and gave an update on the current position as detailed in the report. She added that the TM Code required the Council to set and report on a number of Treasury Management Indicators. Details of the estimates for 2022-23 were set out in the Council's TMS, against current projections, shown in Appendix A and these showed that the Council was operating in line with the approved limits.

The Chief Officer – Finance, Performance and Change provided some extra detail regarding the 2 investments with Thurrock Council for £8 million in response to the concerns that had been raised from a number of places about whether or not, they should be investing with them on the basis that they were having some problems at the current time. She reassured Cabinet that both of the investments that had been made had been done so in accordance with the Treasury Management Strategy and also in accordance with the lending lists which the Treasury Manager and external advisors recommended that they used. Advice was received about lending to Thurrock Council on both of those investments and the investments were made prior to any changes in the advice coming out with regards to that Council. They had invested with that Council for a number of years and repayments had always been made on time and in line with the agreements that they had in place. She added that Essex County Council had now been appointed in the role of Commissioner and Best Value Inspector at Thurrock, which meant they were now managing their financial affairs and they had confirmed that Thurrock would be repaying all of the investments that were placed with them and if necessary they would borrow through the Public Works Loan Board to replace them. Assurances had been given that both of the investments were secure and they would get that money back. The second issue was that it was quite difficult at the moment to forecast what the impact on the Council would be of the latest mini budget and the impact it was having on markets. Treasury management work was very influenced by what was happening on national and global markets so they would monitor that and there were increases in the interest rates being offered for investments so money would be working that little bit harder for the authority. She added that should rates rise more than they had anticipated, then they would review the loans that they had and take external advice and report to Cabinet prior to making that final decision.

The Cabinet Member for Resources thanked the Chief Officer – Finance, Performance and Change for the explanation of how the treasury management process operated. It was a critical element of any local authority's financial process, and they did have independent expert financial advice. They often received Welsh Government funding ahead of the need to draw it down and they made best use of that funding.

The Chief Executive explained that it was very important in terms of being as transparent and open as possible, that the Thurrock example had been mentioned. All local authorities invested their money sometimes for short periods knowing that they would need it in due course, but for a short period it made sense to invest it elsewhere, providing a return. It was not there as money that could be spent as it was already committed elsewhere as earmarked reserves.

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The Leader stressed that they also used the credit rating agencies, Standard and Poor's, Moody's and Fitch and they were internationally recognised and very much part of the assessment of where they deposited funds.

RESOLVED: Cabinet noted the Council's treasury management activities for 2022-23 for the period 1 April 2022 to 30 June 2022 and the projected Treasury Management Indicators for 2022-23.

61. **ANNUAL TREASURY MANAGEMENT OUTTURN REPORT 2021-22**

The Chief Officer – Finance, Performance and Change presented a report on the actual Treasury Management Indicators for 2021-22. She outlined the background to the report and the current situation including the economic context within which they undertook their treasury management activities last year. During the year, the Prudential Code for Capital Finance, and Treasury management was updated which meant that they could no longer borrow to invest primarily for financial return. During last year, they did comply with legislative and regulatory requirements in relation to treasury management and the detail of activities were shown in the report. At the end of March 2022, the balance of investments that Bridgend held was £84 million, which was an increase in balances from the previous year.

RESOLVED: Cabinet:

1. Noted the annual treasury management activities for 2021-22.
2. Noted the actual Treasury Management Indicators for 2021-22 against those approved in the Treasury Management Strategy 2021-22.

62. **APPROVAL FOR TENDER OF ANNUAL INSURANCE POLICIES**

The Chief Officer – Finance, Performance and Change presented a report seeking approval to proceed to tender for competitive quotations for the Council's annual insurance policies that were due for renewal on 31 March 2023. The current annual value of the annual insurance policies was £1,038,326.85. The indicative total value for a five year Long Term Agreement was £5,191,634.25. She added that a further report on the outcome of the financial implications from the tendering process for the annual insurance policies would be placed before Cabinet for further consideration.

The Cabinet Member for Resources endorsed the report.

RESOLVED: Cabinet

1. approved the commencement of the tender process for all annual insurance policies to commence on 31 March 2023 up to a maximum five year Long Term Agreement.
2. Cabinet noted that a further report would be submitted on the outcome of the tender process for the procurement of the insurance policies and to seek Cabinet's approval to award a contract as a result thereof.

63. **CONSTITUTION AND CONSTITUTION GUIDE**

The Monitoring Officer presented a report seeking Cabinet approval for the revised constitution and constitution guide in relation to the Executive functions prior to submission to full Council.

The Monitoring Officer explained that Section 37 of the Local Government Act 2000 required Welsh County Councils to prepare and keep up to date a written constitution containing such information as Welsh Ministers may direct, a copy of the Authority's standing orders, a copy of the Authority's code of conduct for Members and such other information as the Authority considered appropriate. Section 45 of the Local Government

and Elections (Wales) Act 2021 (the Act) now required principal councils to publish a constitution guide which explained in ordinary language the content of the Council's constitution. The principal councils must also publish their constitution and constitution guide electronically and provide a hard copy, on request, either free of charge or at a charge (representing no more than the cost of providing the copy).

The Monitoring Officer explained that whilst the revised draft constitution (Appendix 1) looked quite different from the current version, the document largely comprised the same elements as outlined in the report. The constitution guide was attached at appendix 2 to the report. A guide summarising all the provisions of the constitution was also attached as Appendix 3 to the report. The model constitution and guides were considered by the Democratic Services Committee on 7 July 2022 and the Committee recommended that a Working Group be established with support from the Group Manager Legal and Democratic Services to review all aspects of the constitution. The Monitoring Officer thanked the Group Manager, Legal and Democratic Services for her work checking the constitution line by line to ensure it was appropriate for the Council. She added that appendix 4 summarised the issues identified through discussions from the Working Group and set out a series of recommendations arising from the Group for consideration as a means of improving the Council's good governance. If Cabinet were minded to approve the recommendations of the Working Group and the constitution in so far as they related to the Executive functions, then the constitution and guide could be implemented following approval by Full Council to take effect from 1 December 2022.

The Deputy Leader thanked the Group Manager, Legal and Democratic Services and the Monitoring Officer for the more simplistic way the constitution had been written, particularly the appendices.

The Monitoring Officer confirmed that the working group was a cross-party working group.

The Leader thanked the working group for their hard work and contributions.

RESOLVED: Cabinet

1. Approved the recommendations of the Democratic Services Working Group in so far as they related to the Executive functions (Appendix 4 of the report referred);
2. Approved the revised constitution (at Appendix 1) and constitution guide (Appendix 2 & 3) in relation to the Executive functions;
3. Noted that a report would be presented to Council on 19 October 2022 seeking approval to adopt the revised constitution and guide with effect from 1 December

2022.

64. **SUSPENSION OF COUNCIL'S CONTRACT PROCEDURE RULES AND AWARD OF CONTRACT FOR THE SUPPLY OF TEMPORARY WORKERS**

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy presented a report seeking approval to put interim arrangements in place for the council's contract for the provision of temporary workers and to suspend the relevant parts of the Council's Contract Procedure Rules (CPRs) with regards to the requirement to re-tender the contract.

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy explained that the contract temporary workers members provided the council with key skills and experience in a variety of circumstances where it was not possible to recruit on a

permanent basis. This could be because of a skill shortage in the market, an urgent need to cover a position due to planned or unplanned absence and seasonal demand or short term funding. The current contract with the temp agency was via the National Procurement Service and this would expire on the 10th November 2022 and no further extension periods were available.

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy explained that Welsh Government were currently developing a new NPS framework agreement to meet the needs of local authorities in Wales acknowledging the recruitment challenges being faced in local government and the increasing requirement for agency workers in some areas. In order to allow time for the new NPS framework agreement to be procured, and for the council to conduct its own exercise, a continuation of the existing contract was requested. A period of up to 18 months, would enable the council to explore specific professional frameworks in addition to the NPS framework and to take account of any other national developments on the agency worker procurement. To ensure continuity and knowledge of the existing provider, it was proposed that Cabinet suspend the relevant part of the Council's CPRs requiring a competitive procurement exercise and agree to the awarding of the contract to the current provider based on current contractual arrangements until the 10th of May 2024 with an option to extend for six monthly reviews to extend for maximum flexibility.

The Deputy Leader moved the report then explained that she had some concerns around agency staff. Welsh Government had given clear indications that they needed to put monetary safeguards in place with agency workers. She believed that the BCBC workforce was disadvantaged by the way agency staff were paid but was happy to move the report in the interim.

The Leader welcomed the national approach outlined by Welsh Government and recognised that that would take time and in the meantime, they needed arrangements in place to secure the temporary workers essential to the operations of the authority.

RESOLVED: Cabinet:

1. Approved the continuance of the supply of temporary workers, to allow for a full review and a fully compliant tender process to take place.
2. Suspended the relevant parts of the Council's CPRs in respect of the requirement as to re-tendering of the proposed contract; and
3. Authorised the Group Manager Human Resources and Organisational Development to enter a contract for the Supply of Temporary Workers until 10th May 2024.

65. **CABINET, COUNCIL AND OVERVIEW AND SCRUTINY FORWARD WORK PROGRAMMES**

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy presented a report seeking Cabinet approval for items to be included on the Cabinet Forward Work Programme for the period 1 November 2022 to 28 February 2023 and for Cabinet to note the Council and Overview and Scrutiny Committees' Forward Work Programmes for the same period.

The Deputy Leader moved the report and asked about timing as she was aware that the work programme changed last year because of the budget settlement dates. She asked if this had been taken into account this year.

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy replied that they were still up in the air in terms of dates because there was going to be a late

settlement. At the AGM, delegated authority was given to the Chief Officer, Legal and Regulatory Services, HR and Corporate Policy to move any dates that needed to be moved if there was a late settlement.

The Leader referred to the current situation at the heart of UK government and the almost daily changes to the financial outlook for public finances. The sad part was the very serious repercussions for the finances for every local authority in the country including in Wales because the decisions that were being made would have consequences and undoubtedly have an impact on the budget and there was no certainty around financial planning and stability.

The Cabinet Member for Education noted that the budget dates might need to be changed and suggested that Scrutiny Chairs might start thinking about items and preplanning.

The Cabinet Member for Communities noted that the work programme for the Scrutiny Committee 3 indicated that the report for the 14 November 2022 meeting was still to be confirmed. This allowed very little time for the Directorate to pull together a report.

The Leader agreed this was a good point and that it should be raised with the Scrutiny Chair and the Corporate Director.

RESOLVED: Cabinet:

1. Approved the Cabinet Forward Work Programme for the period 1 November 2022 to 28 February 2023 at Appendix 1 to the report;
2. Noted the Council and Overview and Scrutiny Committees' Forward Work Programmes for the same period, as shown at Appendix 2 and Appendix 3 of the report, respectively.

66. **INFORMATION REPORT FOR NOTING**

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy informed Cabinet that one information report had been published since the last scheduled meeting, the Ombudsman Annual Letter 2021 to 2022. This report and the letter were presented to the Governance and Audit Committee recently. She asked Cabinet to note some of the data in the report. The number of complaints against the authority was 55 and that was compared with 31 in 2020 to 2021. The Ombudsman, in his Annual Letter, suggested that complaints about public bodies were suppressed during the pandemic and then came through in greater numbers. The figure for 2021/2022 represented 0.37 complaints received per 1000 residents and out of those complaints, the Ombudsman intervened in seven of the cases, five of them were settled by working with the Ombudsman and one came to an early resolution.

The Deputy Leader moved the report and asked for some indication of what the complaints were about particularly in relation to social services and education.

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy explained that appended to the report was a brief breakdown and in addition to that, there was an annual report to Governance and Audit Committee in April giving more detail.

The Leader confirmed the number of complaints received was the average for Wales. There had been an increase in complaints regarding the code of conduct of Town and Community Councillors and in most cases no action was required. The Leader suggested that the strength of the complaint be considered to see if there was an alternative way of managing the situation.

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

67. URGENT ITEMS

none

68. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contain exempt information as defined in Paragraph 14 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

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

69. APPROVAL OF EXEMPT MINUTES

RESOLVED: That the minutes of the meeting of Cabinet of 19 July 2022 be approved as a true and accurate record.

The meeting closed at Time Not Specified