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Bridgend County Borough Council
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Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:
Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 12 October 2022

Dear Councillor,

CABINET

A meeting of the Cabinet will be held Hybrid in Council Chamber/Remote on **Tuesday, 18 October 2022** 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 5 - 20
To receive for approval the Minutes of 19/07/2022

4. Porthcawl Waterfront Regeneration: Appropriation of Land at Griffin Park and Sandy Bay 21 - 72

5. Call-In of Cabinet Decision: Recycling and Waste Service Post 2024 73 - 98

6. 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 99 - 104

7. Shared Regulatory Services Annual Report 2021-22 105 - 242

8. Corporate Self-Assessment 243 - 266

9. Review of Corporate Plan Targets for 2022-23 267 - 274

10. The Establishment of An Advisory Board with Awen To Support Strategic Direction And Partnership Development In Bridgend 275 - 282

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29.	Cabinet, Council and Overview and Scrutiny Forward Work Programmes	771 - 790
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31.	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.	

32. Exclusion of the Public

The following items are not for publication as they contain exempt information as defined in Paragraphs 14 of Part 4 and Paragraph 21 of Part 5, Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

If following the application of the public interest test Cabinet resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration.

33. Approval of Exempt Minutes 807 - 810

To receive for approval the exempt minutes of 190722

Note: Please note: 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 or tel. 01656 643147 / 643148.

Yours faithfully
K Watson
Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:	Councillors	Councillors
JC Spanswick	J Gebbie	JPD Blundell
N Farr	HJ David	
W R Goode	HM Williams	

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CABINET - TUESDAY, 19 JULY 2022

MINUTES OF A MEETING OF THE CABINET HELD REMOTELY - VIA MICROSOFT TEAMS ON TUESDAY, 19 JULY 2022 AT 14:30

Present

Councillor HJ David – Chairperson

JC Spanswick N Farr W R Goode J Gebbie
JPD Blundell

Apologies for Absence

HM Williams

Officers:

Alex Rawlin	Corporate Policy & Public Affairs Manager
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
Andrew Rees	Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support
Michael Pitman	Democratic Services Officer - Committees
Helen Picton	Head of Shared Regulatory Services
Gareth Denning	Policy Team Leader
Richard Matthams	Development Planning - Team Leader
Jonathan Parsons	Group Manager Development
Adam Provoost	Senior Development Planning Officer

19. DECLARATIONS OF INTEREST

The following Declarations were made:

Councillor JC Spanswick – Agenda Item 14 - Local Government (Miscellaneous Provisions) Act 1976 Section 65 Power to Fix Fares For Hackney Carriages; Application to Vary the Hackney Carriage Fares Tariff declared a prejudicial interest as his brother is a taxi driver in the County Borough and withdrew from the meeting during consideration of the item.

Councillor WR Goode – Agenda Item 12 – Appointment of Local Authority Governors declared a prejudicial interest in this item as he was an applicant for one of the vacancies referred to in the report and withdrew from the meeting for consideration of this item.

Councillor N Farr – Agenda Item 14 - Local Government (Miscellaneous Provisions) Act 1976 Section 65 Power to Fix Fares For Hackney Carriages; Application to Vary the Hackney Carriage Fares Tariff declared a prejudicial interest as her husband is a taxi driver and withdrew from the meeting during consideration of the item.

Councillor JP Blundell – Agenda Item 8 - Replacement Local Development Plan Submission Document declared a prejudicial interest and following advice from the Monitoring Officer, withdrew from the meeting during consideration of the item as he had co- authored a template response to the consultation.

Councillor HJ David – Agenda Item 10 - Allocations Under Town and Community Council Capital Grant Scheme 2022-23 declared a prejudicial interest as a member of Cefn Cribwr Community Council and withdrew from the meeting during consideration of the item.

20. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Cabinet of 14 June 2022 be approved as a true and accurate record.

21. BUDGET MONITORING 2022-23 - QUARTER 1 REVENUE FORECAST

The Chief Officer Finance, Performance and Change reported on an update on the Council's revenue financial position as at 30 June 2022 and sought approval for any virements over £100,000 which required approval by Cabinet as required by the Council's Financial Procedure Rules.

She informed Cabinet that Council at its meeting on 23 February 2022 approved a net revenue budget of £319.510m for 2022-23 and due to a technical adjustment, the Revenue Support Grant (RSG) for the Council had increased by £4,336, increasing the net revenue budget for 2022-23 to £319.514m. She summarised the net revenue budget and projected outturn for 2022-23, which showed a net under spend of £745k, comprising a net over spend of £889k on directorates and a net under spend of £1.634m on council wide budgets.

The Chief Officer Finance, Performance and Change stated that it was too early in the year to provide a realistic indication of projected council tax for this financial year, and whether the Council was likely to see a reduction in council tax income over the 2022-23 financial year as more people had suffered financial hardship through the pandemic, alongside the current cost of living crisis. She informed Cabinet that the Council had received funding of £1.151m from the Welsh Government Covid-19 hardship fund in 2021-22 in recognition of the reduced collection rates. There was no indication yet of any support for 2022-23. A 1% reduction in the collection rate, could equate to additional pressure to the Council of £1m.

She informed Cabinet that the Council had successfully claimed £14.682m in expenditure claims and over £1.762m in loss of income claims in 2021-22. The Welsh Government had also recognised the need for homelessness accommodation to be secured in advance to continue the commitment to focus on support for homeless individuals, providing them with accommodation, and approved £1.479 million to cover these costs for the first six months of 2022-23. As Covid-19 restrictions were removed in Wales from 18 April 2022, and the ending of the Welsh Government hardship fund on 31 March 2022, the Council approved a budget pressure of £1m in 2022-23 as part of the Medium Term Financial Strategy (MTFS) to meet ongoing pressures, due to additional cost pressures and the ongoing loss of income. The balance on this fund has been carried into 2022-23 with the use of this fund approved to support the free car parking offer for town centres to the end of September.

The Chief Officer Finance, Performance and Change reported on the budget virements and technical adjustments made since the approval of the MTFS in February 2022. An allocation of £500k budget pressure had been made to mitigate emerging pressures. The Chief Officer Finance, Performance and Change also informed Cabinet of the impact of pay/price inflation and due to the impact of the pandemic, Brexit and the war in Ukraine, the budget would be monitored closely during the remainder of the year.

The Chief Officer Finance, Performance and Change reported on the budget reduction proposals which amounted to £631k. Where proposals to meet this requirement had been delayed or are not achievable directorates had been tasked with identifying alternative proposals to meet their requirements such as vacancy management or bringing forward alternative budget reduction proposals. She also reported that in addition to the 2021-22 budget reduction proposals of £1.760m, there was an outstanding balance to be met of £65k. There was likely to be a shortfall of £310k and she highlighted the proposals still not likely to be achieved. Directors had been requested to identify if any of these proposals are still not likely to be achieved in full during the 2022-23 financial year, and to identify mitigating actions that will be undertaken to achieve them. She also reported on the budget reductions for 2022-23, which showed a projected shortfall on the savings target of £273k.

The Leader stated that it was very difficult to make accurate budget forecasts due to the pandemic and high inflation rates. He questioned the reason for the over spend in Supported Living packages, which had exceeded the budget. The Corporate Director Social Services and Wellbeing stated that the over spend was attributable to the increasing needs of individuals receiving mental health support through supported living.

RESOLVED: That Cabinet noted the projected revenue position for 2022-23 recommend that Cabinet approved the virements over £100,000 as outlined in paragraph 4.1.9 and 4.1.10 of the report.

22. CAPITAL PROGRAMME OUTTURN 2021-22 AND QUARTER 1 UPDATE 2022-23

The 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 details of the capital outturn for 2021-22; provided an update of the capital position for 2022-23 as at 30 June 2022; sought agreement from Cabinet to present a report to Council for approval a revised capital programme for 2022-23 to 2031-32 and to note the projected Prudential and Other Indicators for 2021-22 and 2022-23.

The Chief Officer Finance, Performance and Change reported that Council on 24 February 2021, approved a capital budget of £62.363m for 2021-22 to 2030-31. New schemes had been approved for the 2022-23 capital programme by Council in June 2022. The capital programme for 2021-22 was updated and approved by Council on 23 February 2022 approving a programme of £50.082m of which £28.800m is met from the Council's resources, including capital receipts, revenue contributions from earmarked reserves and borrowing, with the remaining £21.282m coming from external resources. She informed Cabinet of amendments to the capital programme, with new approvals of £2.306m as a result of a new grant schemes from the Welsh Government, which include £1.162m for Free School Meals Capital, £0.250m Transforming Towns for Maesteg Town Hall, £0.159m Transforming Towns for Urban Centre Property Enhancement and £0.163m Integrated Care Funding (ICF) for the Children's Residential Hub. There had also been a £0.441m revenue contribution to capital to fund the installation of upgraded ICT infrastructure in schools. Funding of £0.046m had been brought back from 2022-23 to reflect updated spend profiles. The Council had been awarded £2.880m grant from the Welsh Government towards Band B Land Purchase which, whilst not changing the total cost of the scheme, the funding profile had been changed to reflect the additional funding. This brought the revised budget for 2021-22 to £52.434m.

The Chief Officer Finance, Performance and Change reported that as at 31 March 2022 total expenditure was £29.741m which, after slippage of £21.252m into 2022-23 and adjustments to grant funded schemes of £1.395m, resulted in an under spend of £0.046m, which would be returned to Council funding. A number of schemes had

commenced but not been completed or had been moved into 2022-23. The main schemes being:

- £2.260m Llynfi Loan
- £2.092m School Capital Maintenance
- £2.028m Land Purchase Band B
- £1.677m of funding for minor capital works
- £0.998m Maesteg Town Hall
- £0.797m Welsh Medium Childcare provision at Ogmore
- £0.553m Economic Stimulus
- £0.484m Welsh Medium Childcare provision at Bettws

The Chief Officer Finance, Performance and Change highlighted the position by each Directorate at Quarter 1 and summarised the current funding assumptions for the capital programme for 2022-23. Capital resources were managed to ensure that maximum financial benefit for the Council was achieved, which may include the realignment of funding to maximise government grants.

The Chief Officer Finance, Performance and Change reported on amendments to the capital programme for 2022-23 as follows:

- Levelling Up Fund - £4.500m
- Sustainable Communities for Learning Band B - £15.461m
- Active Travel Fund - £4.242m
- Community Focused Schools - £0.930m
- Homelessness and Housing £0.530m
- 20mph Default Speed - £0.580m
- Coychurch Crematorium Works- £0.096m
- Brilliant Basics - £0.065m
- Fleet - £0.042m

The Chief Officer Finance, Performance and Change also reported on the monitoring of Prudential and other indicators for 2022-23 to 2024-25 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 was required to establish procedures to monitor both performance all forward-looking prudential indicators and the requirement specified. She detailed the actual indicators for 2021-22, the estimated indicators for 2022-23 set out in the Council's Capital Strategy and the projected indicators for 2022-23 based on the revised Capital Programme, which shows the Council is operating in line with the approved limits.

The Chief Officer Finance, Performance and Change reported that the Capital Strategy also required 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 £5.585m at 31 March 2022. She informed Council that it has a number of Other Long-Term Liabilities included within the Capital Strategy.

The Leader was pleased see the allocation of further funding by the Welsh Government for active travel and towards the introduction of the 20mph Default Speed. The Cabinet Member Communities highlighted the good work being done with the investment of £10m in the capital programme on highways projects which would be reflected in the revised Corporate Plan.

The Deputy Leader and Cabinet Member Social Services and Early Help requested clarification of the scheme whereby the Council will provide funding to Valley to Coast (V2C) to support a refurbishment programme. The Chief Officer Finance, Performance and Change clarified that the scheme would enable properties to be brought up to standard to avoid them becoming void. The nature of the works carried out to each property by V2C would vary according to what was required, properties would also be decarbonised. Contracts would be allocated from V2Cs framework.

The Leader welcomed the commitment in the capital programme for the redevelopment of the Grand Pavilion, the replacement of Penprysg Railway Bridge and the scheme to have net zero carbon schools. He asked for an update on progress on the Llynfi Loan. The Corporate Director Communities informed Cabinet that significant progress had been made on the former washeries site Maesteg in order that it be developed as a credible site for social housing with a registered social landlord.

RESOLVED: That Cabinet:

- noted the capital outturn for 2021-22 (Appendix A)
- noted the Council's Capital Programme 2022-23 Quarter 1 update to 30 June 2022 (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 and 2022-23 (Appendix D).

23. AWARD OF FUNDING FOR HOMELESSNESS PROJECTS VIA THE HOUSING SUPPORT GRANT

The Chief Officer Finance, Performance and Change sought approval to award Welsh Government Housing Support Grant project funding to Wallich, in order to continue delivery of their Rough Sleepers Intervention Team and Solutions Centre/Worker and to award Welsh Government Housing Support Grant project funding to Llamau, in order to continue delivery of their Bridgend Family Mediation project.

The Chief Officer Finance, Performance and Change reported that Housing Support Grant is an early intervention grant programme to support activity which prevents people from becoming homeless, stabilises their housing situation, or helps potentially homeless people to find and keep accommodation. The Council received an allocation of £7,954,787.69 Housing Support Grant, inclusive of a sum of £121,278.36 not included in the initial indicative award. The Welsh Government had announced the transfer of elements of the Homelessness Prevention Grant to the Housing Support Grant for the ring fencing of funding to continue existing projects for a two-year period. The projects being the Bridgend Family Mediation provided by Llamau and the Rough Sleepers Intervention Team and Solutions Centre/Worker provided by the Wallich.

The Cabinet Member Wellbeing and Future Generations in commending the proposal to award the funding to the schemes, stated that both Llamau and the Wallich have a long track record of supporting people requiring their services. He stated that during the recent heatwave, the Wallich had supported homeless people by providing drinking water, additional shade and sunscreen and other items for the extreme heat.

The Leader asked for an update on expectations for future provision. The Chief Officer Finance, Performance and Change stated that Cabinet in March 2022 had approved the Housing Support Programme Strategy, which included the introduction of a rapid rehousing service, which had proven popular. She stated that all services within the programme are mutually supportive of each other. The Leader requested that the thanks of Cabinet be passed on to Llamau and the Wallich for the valuable work both organisations provide within the County Borough.

RESOLVED: That Cabinet:

- Approved the award Welsh Government Housing Support Grant project funding to Wallich, in order to continue delivery of their Rough Sleepers Intervention Team and Solutions Centre/Worker project.
- Approved the award Welsh Government Housing Support Grant project funding to Llamau, in order to continue delivery of their Bridgend Family Mediation project.

24. THE UNITED KINGDOM SHARED PROSPERITY FUND

The Corporate Director Communities reported on an update United Kingdom Shared Prosperity Fund (UKSPF) and sought approval to authorise Rhondda Cynon Taff County Borough Council (RCTCBC) to be the 'Lead Local Authority' for the Cardiff Capital Region for the submission to UK Government of a Local Investment Plan for the Cardiff Capital Region (CCR) for the delivery of the UK Shared Prosperity Fund. She also sought authority to submit to Rhondda Cynon Taff County Borough Council the Bridgend County Local Investment Plan information (as at July 2022) for delivering the Bridgend County UKSPF funding allocation to feed into the development of the CCR Local Investment Plan submission to UK Government. Authority was also sought for the Corporate Director Communities, in consultation with the Chief Officer – Legal, and Regulatory Services, HR and Corporate Policy, Chief Officer – Finance, Performance and Change and the Corporate Director – Education and Family Support to negotiate and enter into a CCR regional funding agreement with RCTCBC acting as lead authority and to enter into any further deeds and documents which are ancillary to the agreement or that are necessary to deliver the UKSPF .

The Corporate Director Communities reported that following the withdrawal of the UK from the European Union, the UK Shared Prosperity Fund (UKSPF) is the UK Government's replacement for the European Structural Investment Funds. The Fund is a key part of the UK government's Levelling Up agenda, forming part of complementary funding, including the Levelling Up Fund and Community Ownership Fund. The primary aim of the fund is to build pride in place and increase life chances across the UK. Underpinning this aim are three investment Priorities: communities and place; supporting local business and people and skills.

The Corporate Director Communities reported that local authorities within the CCR had been invited to collaborate and feed into one regional Local Investment Plan for CCR that sets out proposals to deliver the UKSPF to March 2025 and as part of this process, it was proposed that RCT Council performs this role. She stated that each local authority will have flexibility over how they deliver UKSPF and that a mixture of options is available, namely: competitions for grant funding; procurement; commissioning, and in-house provision. She highlighted an overview of the proposals, based on information and guidance currently available and as information and guidance evolved and further detail is provided, proposals may change.

The Cabinet Member Regeneration thanked the Corporate Director Communities and the Team for bringing some exciting proposals to Cabinet and commented on the importance of working with partners.

The Cabinet Member Education asked whether the Council had lost funding because of the UK's withdrawal from the European Union. The Corporate Director Communities stated that the Council had previously been successful in securing European Structural Investment Funds and whilst the Council had secured funding of £23m from the Shared Prosperity Fund, it was believed that overall, the Council had 45% less funding, but would nevertheless have to work accordingly with its partners and at a regional level. The Leader was deeply disappointed for the residents of the County Borough at the loss of funding. The Cabinet Member Communities hoped that funding would be secured for the Grand Pavilion at Porthcawl and Penprysg road bridge, which were part of a wider levelling up programme.

The Corporate Director Communities stated that the schemes, many of which involved green spaces, had been developed in the absence of detailed fund guidance from the UK Government and as such are subject to change.

The Deputy Leader commented on the need for schemes to be delivered across the County Borough, notably in the smaller communities. The Corporate Director Communities stated that funding can be used to regenerate smaller centres and the fund enables officers the opportunity to think creatively.

RESOLVED: That Cabinet:

- Agreed that Rhondda Cynon Taff County Borough Council assume the role of the 'Lead Local Authority' for the UKSPF for the Cardiff Capital Region.
- Delegated authority to the Corporate Director Communities to submit to Rhondda Cynon Taff County Borough Council the Bridgend County Borough Local Page 86 Investment Plan information (July 2022), Appendix 1, for delivering the Bridgend County UKSPF funding allocation to feed into the development of the CCR Local Investment Plan submission to UK Government. If amendments are required prior to 1 August 2022 as a result of further information and guidance from UK Government that impact upon finances and/or legal procedures these are to be agreed in consultation with the Chief Officer – Legal, and Regulatory Services, HR and Corporate Policy and Chief Officer – Finance, Performance and Change.
- Delegated authority to the Corporate Director Communities, in consultation with the Chief Officer – Legal, and Regulatory Services, HR and Corporate Policy, Chief Officer – Finance, Performance and Change and the Corporate Director – Education and Family Support to negotiate and enter into a CCR regional funding agreement with RCTCBC acting as lead authority and to enter into any further deeds and documents which are ancillary to the agreement or that are necessary to deliver the UKSPF.
- Subject to the internal governance requirements of the Council agreed that the Economic Partnership and Economic Programme Board be involved in the local governance and oversight of the UKSPF programmes within Bridgend County Borough.

25. REPLACEMENT LOCAL DEVELOPMENT PLAN SUBMISSION DOCUMENT

The Corporate Director Communities commenced her submission by thanking the Planning Team for their tireless work in developing the Replacement Local Development Plan Submission Document.

She reported for consideration by Cabinet the Deposit Plan Consultation Report Summary Document and the proposed submission version of the Replacement Local Development Plan (RLDP) as amended following public consultation and sought agreement for the amended RLDP and to recommend to Council that the RLDP as amended be submitted to Welsh Government and Planning and Environment Decisions Wales (PEDW) for independent examination.

The Corporate Director Communities reported that an up-to-date Local Development Plan (LDP) is an essential part of a plan-led planning system in Wales. She stated that without an up to date LDP, it would become progressively difficult for the Council to focus on integrating and addressing multiple land use concerns and the local planning process would become fragmented, un-coordinated and reactive. She informed Cabinet that the review report of the existing LDP had recognised an urgent need to address the shortfall in the housing land supply through the identification of additional housing sites, highlighted by the new housing delivery monitoring system prescribed by Welsh Government. She informed Cabinet that whilst the existing LDP had been successful in bringing forward several (primarily brownfield) residential and mixed-use allocations, other brownfield allocations had not come forward as anticipated. The number of remaining deliverable sites had progressively dwindled at the end of the existing plan period, resulting in lower annual dwelling completions. She stated that the 2021 Census had revealed that the population in the County Borough is one of the fastest growing areas in Wales, having consequences for land use.

The Corporate Director Communities reported that since the publication of the RLDP Deposit Plan for Consultation, new information, changes to legislation, updated national planning guidance and the completion of supporting technical information had necessitated a review of the LDP evidence base. This, together with some of the matters raised in the consultation representations meant a number of changes to the Deposit RLDP are considered necessary, the main changes being:

a) Removal of Housing Allocation at Parc Afon Ewenni, Bridgend – as a result of the recently published Flood Map for Planning identifying the site at being at risk of flooding;
b) Inclusion of a housing allocation at Heol Fach, North Cornelly;
c) Inclusion of site masterplans;
d) Removal of Gypsy, Traveller and Showpeople Site at Land adjacent to Bryncethin Depot;
e) Completed Strategic Transport Assessment; and
f) Updated Strategic Flood Consequence Assessment.

The Corporate Director Communities reported that authorisation would be sought from Council in September 2022 to submit the RLDP to Planning and Environment Decisions Wales (PEDW) for public examination (anticipated in early 2023).

The Cabinet Member Communities expressed his thanks to the Planning Team for their work over the past 4 years in delivering the RLDP. He referred to the concerns in the increase in housing development proposed and asked if there would be a net increase in publicly accessible open spaces. The Corporate Director Communities commented on the need for accessible green spaces and that there would be a net gain of 60 hectares of new additional accessible green space across the County Borough.

The Cabinet Member Communities referred to the removal of the Parc Afon Ewenni site as a consequence of flood risk and asked what the minimum flexibility allowance would be in the LDP. The Corporate Director Communities stated that the Parc Afon Ewenni site had been removed from the draft LDP, however Welsh Government guidance stipulated a minimum 10% flexibility allowance. A reserve site at Heol Fach, North Cornelly had been included, bringing the flexibility allowance up to 13%. She stated that it was very important for development to accord with the LDP. The development industry had been critical of the Council as it had previously focused on the delivery of larger residential sites. If the Heol Fach site were to be removed, the flexibility allowance would be reduced to 10% and the LDP could proceed on the basis that Cabinet had confidence in the delivery of all the sites allocated for housing. The Leader stated that he had confidence in the deliverability of the LDP and the development of the sites allocated for housing. The Cabinet Member Communities that he was comfortable with the 10% flexibility allowance, were the Heol Fach site to be removed.

The Cabinet Member Communities sought an assurance that the green buffer would be maintained between the communities of Laleston and Bryntirion and Broadlands to prevent coalescence, notably the protection of Circus Field. The Corporate Director Communities stated that assurances had been received there would be a visual and physical buffer with Laleston. The Strategic Planning and Transportation Manager informed Cabinet that the Green Wedge study had concluded there was clear evidence for the retention of the green buffer. The Leader noted that whilst the development is still proposed to go ahead, the fields which flank the road would be protected.

The Deputy Leader and Cabinet Member Social Services and Early Help referred to the considerable concern at the lack of engagement from Cwm Taf Morgannwg University Health Board in putting forward proposals for new primary care facilities in the location of the sites identified for housing allocation, given existing difficulties in accessing GP services and the merger of GP practices. She requested that the Leader write to the Chairperson of Cwm Taf Morgannwg University Health Board requesting that they engage in the LDP process in drawing up proposals for primary care facilities. The Corporate Director Communities stated that the Health Board believe there to be sufficient current provision of primary care and as the LDP is not an adopted plan had not yet come forward with plans for new primary care facilities. The Planning Team had discussed making land available for new health centres. The Strategic Planning Policy Team Leader informed Cabinet that the Health Board had been engaged at the commencement of the of the LDP process and officers will continue to engage with them. The Leader stated that he would write to the Chief Executive and Chairperson of the Health Board requesting an update and a commitment on their plans for new primary care provision as part of the LDP process.

The Cabinet Member Wellbeing and Future Generations asked whether a reply had been received from the Welsh Government on the retention of farmland west of Bridgend. The Strategic Planning and Transportation Manager informed Cabinet that a response had been signed off by the Welsh Government and that the work undertaken by officers was considered robust, given the war in Ukraine affecting the availability of agricultural land.

The Cabinet Member Regeneration was pleased to see social and affordable housing allocations being accounted for in the LDP and asked what percentages of the housing allocation would be developed for such provision. The Principal Strategic Planning Officer stated that across the Borough each site had undergone an assessment as to the mix of sites and gave certainty that each site can come forward with specified levels of affordable housing, with the exact tenure identified in the local housing market. The percentage of affordable and social housing is 20%, with bespoke targets for each site in the RLDP. The Leader informed Cabinet that affordable and social housing could also

be delivered through Social Housing Grant and Section 106 monies. The Leader requested clarification of the provision of 1,002 affordable homes over the life of the Plan to contribute to the wider LDP target of 1,646 affordable homes. The Principal Strategic Planning Officer stated that 1,000 homes are from specific allocations and the remainder from sites already delivered and from windfall sites.

The Leader referred to the Habitat Regulations Assessment where a plan or project is considered likely to have significant effects on European Sites and not directly connected with or necessary for the management of the site and asked whether this would affect biodiversity and the SINC review. The Strategic Planning and Transportation Manager informed Cabinet that this was dealt in the Sustainability appraisal which confirmed that no European sites are at detriment and a net gain would be sought through policies and which would need to be followed when applications are submitted. In terms of the SINCS there are protective measures in place.

The Leader asked whether the provision of allotments sites is included in the LDP and whether outdoor sport and play facilities are also reflected in the LDP. The Strategic Planning Policy Team Leader informed Cabinet that an allotment audit had been prepared for the LDP, which had shown a deficit of such provision within Bridgend. The Cabinet Member Communities informed Cabinet that there is new Supplementary Guidance in place on amenity space.

The Leader asked how 5 new primary schools will be delivered in the LDP. The Corporate Director Communities stated that the LDP will deliver £120m of investment into the County Borough which will include the provision of new primary schools. The Strategic Planning Policy Team Leader informed Cabinet there is in place an Education Supplementary Planning Guidance and engagement had taken place with the Education Department on the delivery of new schools as specified in the LDP on the larger sites. On smaller sites, a contribution would be sought from developers to fund improvements to existing schools. Costs will be reviewed to ensure the correct costs are being levied.

RESOLVED: That Cabinet:

a) Noted the Deposit Plan Consultation Report Summary Document (Appendix 1) and agree the submission version of the Replacement Local Development Plan (RLDP) and recommended to Council that the RLDP as set out in Appendices 2&3 (subject to the amendment at recommendation c) be submitted to Welsh Government and PEDW for independent examination.

b) Authorised the Corporate Director Communities and Group Manager - Planning & Development Services Development to make any refinements to the RLDP, supporting background papers and technical evidence required prior to reporting to Council.

c) agreed the removal of a housing allocation at Heol Fach, North Cornelly as a candidate site as it was confident that the minimum 10% flexibility allowance housing requirement could be achieved in the replacement Local Development Plan.

26. 2020 - 2023 CARRIAGEWAY RESURFACING PROGRAMME

The Corporate Director Communities sought approval to modify the contract for carriageway resurfacing for works to be undertaken during the financial year 2022/23.

The Corporate Director Communities reported that procurement of resurfacing of the Highway Network was undertaken through the South East Wales Highway Framework,

via a mini-competition and tender process in March 2021. The contract was awarded to Centregreat Limited running from April 2021 to March 2022 with an option to extend the contract for a further 12 months to March 2023 on the parties' mutual agreement. An approach had been received from the contractor because of exceptional inflationary increases requesting an uplift to the fee rates to enable them to maintain the same levels of performance during the extension period. This would equate to a cost increase of 8.93% over the whole term of the contract. This was attributable to material costs being affected by the increase in oil, which is a significant proportion of the tarmacadam material. Labour costs increasing due to the National Insurance employer's contribution element, while plant usage relied heavily on diesel, hence the fuel cost increases being significant.

The Corporate Director Communities reported that Cardiff City Council who oversee the South East Wales Highway Framework, had confirmed that, further to the representation from contractors on the framework, agreement had been made for the submission of increases to the standard rates across the framework. She stated that Rule 3.3.6 of the Council's Contract Procedure Rules (CPRs) provides that procured contracts may be modified without the requirement for a new procurement procedure where the value of the modification is below both the relevant applicable financial thresholds contained in the Public Contracts Regulations 2015 and below 15% of the initial contract value for works contracts, provided that the modification does not alter the overall nature of the contract. Rule 3.6 of the Council's Contract Procedure Rules indicate that where the value of the modification of an existing contract exceeds £100,000, approval of the modification must be obtained from the appropriate body which in this case is the Cabinet of the Council.

The Cabinet Member Communities stated that any schemes affected by the increase cost will take in the following year. The Leader stated that escalating costs were being experienced across all local authorities and across all services.

The Deputy Leader asked whether tenderers consider socio-economic duties. The Corporate Director Communities confirmed that they did. The Leader stated that if work was not carried out to the desired standard, payment would be withheld until such time as it was performed to the requisite standard.

RESOLVED: That Cabinet approved the contract modification in accordance with rules 3.3.6 and 3.6 of the Council's Contract Procedure Rules.

27. ALLOCATIONS UNDER TOWN AND COMMUNITY COUNCIL CAPITAL GRANT SCHEME 2022-23

The Corporate Director Communities sought approval to allocate capital funding to Town and Community Councils to develop projects from the Town and Community Council (T&CC) Capital Grant scheme for 2022-23.

She reported that the Council had allocated £50,000 for 2022-23 and for subsequent years in the Capital Programme to support applications from T&CCs for capital projects. With the decommitment of the Coity Higher project the budget available for 2022-23 is £65,002.57. She outlined proposals received from T&CCs which sought to align with the Council's Decarbonisation and Net-Zero 2030 agenda. It was proposed that applications for funding from Cornelly Community Council (£9,583) and Coychurch Higher Community Council (£5,000) be approved and that the Decarbonisation Programme Manager liaise with Maesteg Town Council to support a review of options available with the potential to revisit an application in future years.

The Cabinet Member Education stated the importance of plans being submitted by Town and Community Councils to bid for funding from next year's allocation. The Corporate Director Communities stated that a report could be submitted to the next Town and Community Councils Forum to offer support and advice to Town and Community Councils in order that they submit bids for funding under the Capital Grant Scheme in 2023-24.

RESOLVED: That Cabinet:

1. Approved allocation of capital funding within the existing Capital Programme of £14,583.00 to Town and Community Councils (T&CC) to develop projects in line with the specific allocations detailed at 8.2 from the Town and Community Council Capital Grant Scheme;
2. Noted that funding of £50,419.57 will be rolled forward to support projects in 2023-24;
3. Authorised officers to communicate with the T&CC listed in Table 3, section 8.4, and requested an update on proposed delivery and expenditure. It was proposed that if Town and Community Councils respond indicating that projects are either no longer taking place or cannot be delivered within the 2022-23 financial year then funding offers are withdrawn for the specific applications listed above. If this does happen then any funding associated will be returned to the T&CC Capital Grant Scheme and be available for future rounds of applications for new proposals;
4. Recommended that a report be submitted to the next Town and Community Councils Forum to offer support and advice to Town and Community Councils in order that they submit bids for funding under the Capital Grant Scheme in 2023-24.

28. THE CONFERENCE OF PARTIES 2022

The Corporate Director Communities reported on an update on work to support the Conference of Parties 2022 and to support the Council signing a Declaration to inform the Conference of Parties in 2022.

The Corporate Director Communities informed Cabinet that in partnership with the United Nations Convention on Biological Diversity, the Scottish Government is leading on the 'Edinburgh Process', an online, global consultation with sub-national and local governments around the world on their role in the post-2020 Global Biodiversity Framework and targets. She stated that a key outcome of the Edinburgh Process is the Declaration, which is intended to demonstrate the commitment of subnational authorities across the world to deliver for nature over the next decade. The biodiversity duty included in the Environment (Wales) Act 2016 is intended to support efforts to reverse the decline and secure the long-term resilience of biodiversity in Wales. The Council had approved its Biodiversity and Ecosystems Resilience Forward Plan, 2018-2022, in 2018, contributing to Biodiversity and Ecosystem Resilience targets.

The Corporate Director Communities reported that the Welsh Government had requested all local authorities in Wales consider signing the Declaration.

The Cabinet Member Wellbeing and Future Generations in commending the proposal to sign the Declaration commented on the great amount of biodiversity work being undertaken in the Ogmore Valley in areas such as the old washery site. The Cabinet Member Communities stated that he would be more than pleased to sign the Declaration on behalf of the Council.

RESOLVED: That Cabinet supported the signing of the Declaration to inform the Conference of Parties 2022 and authorised the Cabinet Member – Communities to sign the Declaration on behalf of the Council.

29. APPOINTMENT OF LOCAL AUTHORITY GOVERNORS

The Corporate Director Education and Family Support sought approval for the appointments of local authority governors to the school governing bodies listed at paragraph 4.1 of the report.

RESOLVED: That Cabinet approved the appointments listed at paragraphs 4.1 and 4.2 of the report.

30. FOSTER CARER ALLOWANCES UPLIFT

The Corporate Director Social Services and Wellbeing reported on a proposal to increase to foster carer allowances, linked to the significant increases to the cost of living and sought agreement to offer all foster carers two weeks paid respite per annum, and increase foster carer allowance for 2022/23.

She informed Cabinet that foster carers play a significant role for the Council, providing care within a family to children and young people who cannot live at home with their birth families. She stated there are not enough foster carers and one of the "key themes" identified within the Placement Commissioning Strategy completed in April 2021 was an insufficient number of in-house foster carers. To address this area of concern Bridgend had engaged with regional colleagues to support recruitment of foster carers and in April 2022 entered into a Regional Front Door with Rhondda Cynon Taf and Merthyr County Borough Councils to support one point of contact for all foster carer enquiries and initial visits.

The Corporate Director Social Services and Wellbeing reported that September 2021 saw the launch of Maethu Cymru/Foster Wales to support a national approach to the recruitment of new foster carers across all 22 Local Authorities in Wales, however this had not resulted in the increase anticipated. She stated there was a need to recruit new foster carers, whilst retaining those the Council has currently, to ensure sufficiency of placements to safeguard children and young people. Foster Carers in Bridgend had received an increase to their basic allowance this year of 3%, whereas the cost of living is anticipated to rise by 10% over coming months.

The Corporate Director Social Services and Wellbeing reported it was proposed to increase Fostering Allowances by 7% (in addition to the 3% already paid) to 10% for 2022/23 only, pending any recommendations from Welsh Government or further review by the service that may be undertaken in relation to changes of circumstance. The Council would need to consider any continuation of this increase beyond this financial year in its budget setting for 2023/24 onwards. It was also proposed to offer all foster carers two weeks (14 days) paid respite per annum. The proposed additional 7% allowances would see an increase in budget of £201k, while the introduction of two weeks paid respite for all foster carers would cost the Council £80,186.

The Deputy Leader and Cabinet Member Social Services and Early Help in commending the proposals stated that the role foster carers have is highly important and acknowledged that it is a 24 hour 7 days a week role. She also stated it was vital that foster carers receive 2 weeks paid respite. The Leader stated that the Cabinet Member and Director are looking at additional ways of supporting foster carers.

RESOLVED: That Cabinet:

- Approved the proposal to offer all foster carers two weeks paid respite per annum, financed as indicated from within existing budget.
- Approved the proposal to increase foster carer allowances as set out in 8.2 of the report.

31. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 SECTION 65 POWER TO FIX FARES FOR HACKNEY CARRIAGES; APPLICATION TO VARY THE HACKNEY CARRIAGE FARES TARIFF

The Head of Shared Regulatory Services reported on an application received from the Bridgend County Hackney Association to increase the current Bridgend County Borough Council's rate of hackney carriage fares.

The Head of Shared Regulatory Services informed Cabinet that the Council may fix or vary the rate of fares for the hire of a hackney carriage under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976. Any variation of the fare must be advertised in a local paper and that a period of notice of at least 14 days be given to enable any person to make objections. She stated that the current tariff of fares had been effective since January 2019.

The Head of Shared Regulatory Services reported that the application proposed increases across all tariffs together with the charge for waiting time, highlighting the economic impact on the taxi trade of the Covid-19 pandemic together with the current cost of living crisis. In addition, the Licensing Section had received a number of enquiries from individual licensees asking whether the Council would consider a fare increase because of the cost of living/fuel crisis. Bridgend is currently ranked at 230th of the 349 Councils setting fares. The Head of Shared Regulatory Services informed Cabinet that should it be minded to approve the increase, it will move to the same price range as the Vale of Glamorgan and Carmarthenshire Councils. She highlighted the cost of fuel increases since April 2019 together with rate of inflation increases and that since 2019, there had been a year-on-year decline in the number of driver and vehicle licences issued by the Council, during the pandemic. There had been an increase in the number of drivers licensed, but this had not returned to pre-pandemic levels.

The Cabinet Member Wellbeing and Future Generations in commending the proposal to increase hackney carriage fares, commented on the importance of taxis in the transport infrastructure of the County Borough, balancing that with the needs of residents to get to appointments, where there are inadequate or cancelled bus routes. It was also important to consider the fare increase to deter drivers from applying for licences in neighbouring authorities when a reduction in licences being issued in Bridgend County has already been seen in 2021 and 2022.

The Leader stressed the importance of recognising the cost pressures faced by licensed taxi drivers and if the Council did not increase fares it could lead to a decline in the number of drivers, impacting on services locally. He requested that the Head of Shared Regulatory Services thank the Licensing Team and all associated with the Licensing Committee for its work.

RESOLVED: That Cabinet:

1. Noted the issues and impacts to taxi fares set out in the report.
2. Approved the application put forward by the Bridgend County Hackney Association with an implementation date of 26 September 2022 (provided that there are no objections).

3. Authorised the advertisement of the variation in a local newspaper.

32. CABINET, COUNCIL AND OVERVIEW AND SCRUTINY FORWARD WORK PROGRAMMES

The Chief Officer, Legal and Regulatory Services, HR and Corporate Policy presented a report which sought approval for items to be included on the Forward Work Programme for the period 1 July to 31 October 2022 and for Cabinet to note the Council and Overview and Scrutiny Forward Work Programmes for the same period.

The Chief Officer, Legal and Regulatory Services, HR and Corporate Policy informed cabinet that subsequent to the publication of the report, the Subject Overview and Scrutiny Committee 3 at its meeting on 18 July 2022 had approved items on the Shared Prosperity Fund and the Levelling Up Fund to be placed on its Forward Work Programme.

RESOLVED: That Cabinet:

- Approved the Cabinet Forward Work Programme for the period 1 July to 31 October 2022 at Appendix 1.
- Noted the Council and Overview and Scrutiny Forward Work Programmes for the same period as above, shown at Appendix 2 and Appendix 3 of the report, respectively.

33. INVITEES ON CABINET COMMITTEE EQUALITIES AND CABINET COMMITTEE CORPORATE PARENTING

The Chief Officer, Legal and Regulatory Services, HR and Corporate Policy presented a report seeking nomination of Champions from each of the Overview and Scrutiny Committees to the Cabinet Committee Corporate Parenting and receive these nominations. She also sought approval of the invitees to attend meetings of the Cabinet Committee Equalities as nominated by each of the political groups represented on the Council.

The Chief Officer, Legal and Regulatory Services, HR and Corporate Policy reported that to date, the following Members have been appointed by the relevant Overview and Scrutiny Committees as invitees to attend meetings of the Cabinet Committee Corporate Parenting. She also informed Cabinet that the Subject Overview and Scrutiny Committee 3 at its meeting on 18 July 2002 had appointed Councillor JE Pratt as its Corporate Parenting Champion.

The Chief Officer, Legal and Regulatory Services, HR and Corporate Policy also reported that 10 invitees from each political group sit on the Cabinet Committee Equalities and following discussion with the Group Leaders, the following Members had been nominated:

Political Group	**Councillors**
Labour	Councillor M Evans
Labour	Councillor P Ford
Labour	Councillor M Lewis
Labour	Councillor J Llewellyn-Hopkins
Labour	Councillor E Winstanley
Bridgend County Independent	Councillor A J Williams
Bridgend County Independent	Councillor A Berrow
Bridgend County Independent	Councillor A Wathan

Democratic Alliance	Councillor R Penhale-Thomas
Democratic Alliance	Councillor D M Hughes

RESOLVED: That Cabinet:

1. Noted and approved the Invitees for the Cabinet Committee Corporate Parenting as outlined in paragraphs 4.2 and 4.3 and that Councillor JE Pratt was nominated by Subject Overview and Scrutiny Committee 3 as an invitee;
2. Approved the nominated invitees to the Cabinet Committee Equalities on the basis of 5 Labour Members, 3 Bridgend Independent Members and 2 Democratic Alliance Members, details of which are shown in paragraph 4.5 of the report.

34. 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.

35. URGENT ITEMS

The Leader informed Cabinet that he had by reason of special circumstances accepted an exempt report on the Procurement of Home to School Transport to 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.

36. PROCUREMENT OF HOME-TO-SCHOOL TRANSPORT

37. LAND TRANSACTIONS AT ISLAND FARM BRIDGEND

The meeting closed at 18:01

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

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

1. Purpose of report

1.1 The purpose of this report is to:-

- Inform 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.
- Ask Cabinet to consider the representations received as a result of the public notices and the officers' responses to those representations, and to seek 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 (Appendix 1) in order to facilitate the delivery of the Porthcawl Waterfront Regeneration Scheme.

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** – 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 On 20 July 2021 Cabinet 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 at Griffin Park and Sandy Bay that is identified on the appropriation plan provided as Appendix 1 (Minute 692) to support the Porthcawl Waterfront Regeneration Scheme. As detailed within the 20 July 2021 Cabinet Report, the process of appropriation allows for the Council to transfer the land from its current use to a use for planning purposes. Before appropriating open space to planning purposes the Council must advertise its intention to appropriate for two consecutive weeks in a newspaper circulating in the local area before considering whether the land is no longer required as open space and any objections received to the appropriation. Minute 692 of the Cabinet meeting on 20 July 2021 requires the officers to report back to Cabinet to consider any objections received to the appropriation.

3.2 In addition to authorising the advertisement of the appropriation on 20 July 2021 Cabinet also gave approval to make, advertise, notify and progress confirmation of a Compulsory Purchase Order (CPO) in order to acquire land to deliver the Porthcawl Waterfront Regeneration Scheme. The CPO was subsequently published on the 8th of October 2021 and formally submitted to Planning and Environment Decisions Wales (PEDW). The publication of the CPO was followed by a statutory objection period between 21 October 2021 and 26 November 2021, during which a wide range of representations were submitted to PEDW. PEDW have now confirmed that the CPO is to be subject to a Public Inquiry which will take place in due course.

3.3 The land parcels subject to the CPO and appropriation are intrinsically linked as, together with land in respect of which an agreement has been entered into with the owners of land at Coney Beach Amusement Park, they form the Coney Beach and Sandy Bay development site which has been identified for mixed use regeneration as a part of the Porthcawl Waterfront Regeneration Scheme, as reflected through the current Local Development Plan (LDP) allocation, proposed Replacement Local Development Plan (RLDP) allocation and adopted Porthcawl Placemaking Strategy. For reference a plan has been provided as Appendix 2 which shows the appropriation land in red and the CPO land in blue.

3.4 Whilst the CPO and appropriation land parcels together form the Coney Beach and Sandy Bay development site, they remain subject to their own distinct legal processes. The current proposed planning purposes for the appropriation land is mixed use development in accord with the existing LDP allocation, proposed RLDP allocation and Porthcawl Placemaking Strategy. The decision to appropriate the land does not however prejudice the form of any planning application that is to made and

determined in due course, the details of which would be considered in accordance with the policy documents applying at the time the application is considered.

3.5 In order to avoid any confusion that could arise from multiple consultations taking place at the same time, the advertisement of the intention to appropriate land at Sandy Bay and Griffin Park was not progressed whilst the CPO and subsequent Placemaking Strategy consultations were ongoing. Following the completion of these two consultations and subsequent approval of the Porthcawl Placemaking Strategy by Cabinet (Minute 813) on 8 March 2022, advertisement of the proposed appropriation commenced on 6 June 2022.

3.6 The proposed appropriation was readvertised over a period of 21 days commencing on 30 June 2022 as during the first consultation period it was brought to the attention of officers that there was only a reference to Griffin Park and not Sandy Bay in the body of the notice of the proposed appropriation. The second consultation period used a revised notice to avoid any doubt as to the land which is proposed to be subject to appropriation.

4. Current situation/proposal

Land to be Appropriated

4.1 The land subject to the proposed appropriation consists of 0.743 hectares of land at Griffin Park and 19.098 hectares of land at Sandy Bay with the combined area of the 2 parcels equating to 19.841 hectares.

4.2 The former Sandy Bay Caravan Park which forms the majority of the land owned by the Council in the area intended for development was acquired by the Council for the purposes of public walks, being purposes set out in section 164 of the Public Health Act 1875, and section 4 of the Physical Training and Recreation Act 1937. The acquisition took place following the confirmation of the Porthcawl Urban (Newton) Recreation Ground Confirmation Order 1948 which authorised compulsory purchase acquisition of the land for those purposes. The land is accordingly held pursuant to a statutory trust imposed by section 10 of the Open Spaces Act 1906 to allow, and with a view to, the enjoyment thereof by the public as an open space within the meaning of the 1906 Act.

4.3 It is unclear what powers were used to acquire Griffin Park, a part of which is also to be appropriated so that it can be used to access the wider Scheme, but this land was acquired from the Great Western Railway Company in 1928 and it seems highly likely that it was either acquired utilising the powers contained in section 164 of the Public Health Act 1875 or section 9 of the Open Spaces Act 1906, and that this land is similarly held by the Council pursuant to a statutory trust imposed by section 10 of the 1906 Act.

4.4 The area of land to be appropriated from open space use within Griffin Park includes 2 tennis courts and a bowling green which are currently in use. Additionally, there is an existing single storey building that has remained vacant since December 2021. Prior to the building being vacated it most recently functioned as a community building via two twelve month leases granted by BCBC to Porthcawl Town Council with the predominate use being a veterans hub. Prior to this temporary occupation, which ceased on December 2021, the building was declared surplus to BCBC requirements. As it stands the building is in poor condition with the floor having failed. Due to this and the limited lifespan of the building it has been identified that repairs to the building are not cost effective and it has been earmarked for demolition accordingly.

4.5 With respect to the tennis courts, the Council is committed to providing replacement provision with a new modern facility to be installed at an alternative location within the extended Griffin Park that will be delivered within the Porthcawl Waterfront Regeneration Scheme with the exact location and design of this facility to be developed in due course. In terms of bowling green provision there are 3 bowling greens in Griffin Park, one of which (located outside of the appropriation land) is disused. The current proposal is to bring that disused bowling green back into use prior to development taking place so as to mitigate the loss of the bowling green. That may depend on the extent of utilisation of the current bowling green. It is conceivable that the extent of bowling green provision within Griffin Park would be reduced to a single green and that the new tennis court provision would be located at the site of the existing disused bowling green to the north of Griffin Park. With respect to the vacant building which previously accommodated the Veterans Hub the Council will work with this group to identify an appropriate alternative premises within the Town. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary.

4.6 The area of land to be appropriated within Sandy Bay is unoccupied with the exception of a temporary caravan park area on the western edge of the site that is operated by the Hi Tide Inn on a seasonal basis. This operation represents a temporary use that has been taking place via a short-term licence agreement prior to the planned redevelopment taking place. Additionally, the Town Council have been granted short term licences to use part of Sandy Bay as a temporary events space. The remainder of the land has been publicly accessible since the closure of the Sandy Bay caravan site in 2000.

Process of Appropriation

4.7 Appropriation is the formal legal process that allows the Council to transfer land from its current use to another use, such as a use for planning purposes as in this case.

4.8 The Council has a general power to appropriate land under the provisions of Section 122 of the Local Government Act 1972. Under this section a Council may appropriate land owned by the Council which is no longer required for the purpose for which it is held for any other purpose for which the Council is authorised by statute to acquire

land. The Council is authorised to acquire land under Sections 226 (using compulsory powers of acquisition) and 227 (by agreement) of the Town and Country Planning Act 1990. Under Section 226 of the Town and Country Planning Act 1990 land can be acquired for planning purposes if the Council think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land and the Council think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—
(a) the promotion or improvement of the economic well-being of their area;
(b) the promotion or improvement of the social well-being of their area;
(c) the promotion or improvement of the environmental well-being of their area.

4.9 Given the Council's proposals for the land to be used as a part of the Porthcawl Waterfront Regeneration Scheme, for which it has an LDP allocation, the proposal to include it within the RLDP and the inclusion of the land within the adopted Placemaking Strategy, appropriation of the land to planning purposes is possible. Whilst appropriation allows for land to be transferred to planning purposes it does not fetter any future decision that may be made by the Council acting in its capacity as the Local Planning Authority. As such, any future applications for planning permission will be subject to due consideration and determined based on material planning considerations, in accordance with the relevant planning policies that apply at the time any planning application is made. It is expected that any planning applications will be made by developers in due course.

4.10 The appropriation will however enable the Council to give certainty to both the Welsh Ministers (who will consider whether the CPO ought to be confirmed) and developers alike that the land is available for development and that the statutory trusts that apply in respect of the land are released. It will also enable the Council to show that there are no impediments to the Porthcawl Waterfront Regeneration Scheme proceeding at the public inquiry into the CPO, as required by Welsh Government circular guidance.

4.11 In reaching a decision to appropriate land the Council must decide that the land is no longer required for the purpose for which it is currently held and in making that decision the Council should consider the public need within the area for the existing use. Additionally, the Council must consider the responses to the advertisement of the appropriation prior to making a decision. The need for the existing use of the land and responses to advertisement of the intended appropriation are considered under the relevant headings below.

Public Need for Existing Use

4.12 It is recognised that Griffin Park is a valued and well used area of formal open space within Porthcawl that accommodates various facilities including bowling greens, a now vacant single storey community building, public toilets and tennis courts with recreational paths and grassed areas. As such, and whilst the appropriation land includes a 0.743 hectare area of Griffin Park in order to accommodate a road that would provide access to planned development to the east, the Council does not

intend to reduce the size of Griffin Park following the proposed appropriation as it intends to include an extension to Griffin Park within the associated redevelopment of the Porthcawl Waterfront Regeneration Scheme. In contrast to any reduction in space, the plans outlined within the Porthcawl Placemaking Strategy show how Griffin Park would be extended by in excess of 4 acres which would essentially double its existing size. A plan showing the extent of the proposals to extend Griffin Park is provided as Appendix 3. As part of the extension to the park, any existing facilities located within the appropriation land would be able to be relocated as may be required, with this providing an opportunity to provide improved facilities such as new all-weather tennis courts as part of any redevelopment. It is recognised that there is a potential for a short term impact on facilities, but delays in the provision of new facilities would be kept to the minimum necessary. The Council can control such delays through its disposal strategy for the land and in its role as local planning authority, through which it can condition requirements for replacement/extended open space.

4.13 Whilst it is proposed to extend Griffin Park it is important to recognise that the development will also generate its own open space requirements and to that extent, the extension of Griffin Park is required to meet the needs of the new development as well as representing additional formal open space provision that will be available for existing residents within Porthcawl. The proposed retained and extended Griffin Park, which will remain in public ownership, also provides an opportunity to deliver qualitative improvements to open space provision within the area.

4.14 With respect to land at Sandy Bay the proposed appropriation includes 19.098 hectares of land that forms the former Sandy Bay Caravan Park. Whilst this land was acquired as open space and has remained accessible to the public since the closure of the caravan park in 2000, it has not been used or maintained as formal open space and its planning status has been long regarded as suitable for redevelopment as reflected by the allocation of the site under allocation ref. H1 (58) in the now superseded Unitary Development Plan (UDP) adopted in 2004, the current LDP adopted in 2013 (Policy PLA3(8)) and proposed reallocation in the RLDP (Deposit Plan Public Consultation Document (PLA1)). Both the 2004 UDP and adopted LDP were subject to approval by full Council prior to their adoption, whereby in approving the Development Plan allocation the redevelopment of the site was considered acceptable.

4.15 The longstanding proposals to redevelop this area of land were further detailed within the 2004 and 2007 Supplementary Planning Guidance (SPG) Documents that were prepared for the sites and formally adopted by the Council.

4.16 The suitability of Sandy Bay for redevelopment was most recently confirmed by the approval of the Porthcawl Placemaking Strategy by Cabinet on 8 March 2022. This document sets out the Council's vision for redevelopment of Sandy Bay, Coney Beach, Salt Lake and the surrounding area for mixed use development including the provision of circa 1100 homes across the wider development area, new commercial and leisure development, significant areas of new open space, community use

opportunities and new transport infrastructure. A copy of the illustrative masterplan layout produced as part of the Placemaking Strategy is provided as Appendix 4.

4.17 Whilst subject to the statutory trusts referred to above and physically open to the public, the suitability of Sandy Bay for redevelopment is further reinforced by the findings of the Council's 2020 Outdoor Sport and Children's Play Space Audit available via the following link:

https://democratic.bridgend.gov.uk/documents/s25785/Appendix%2022%20-%20Outdoor%20Sport%20and%20Childrens%20Play%20Space%20Audit%202021.pdf?LLL=0

4.18 This Audit does not recognise Sandy Bay as falling within any of the categories of open space identified by the Audit. It is noteworthy that, despite that, there remains an identified surplus of 'Amenity Green Space' within Porthcawl. 'Amenity Green Space' is defined within the Audit as being "*Informal recreation spaces, communal green spaces in and around housing and village greens*". 'Amenity Green Space' is the category of open space with the most shared similarities to the open previously developed nature of the land at Sandy Bay. As such, the appropriation of land at Sandy Bay for planning purposes and associated proposals for redevelopment would not affect the existing identified surplus of 'Amenity Green Space' within Porthcawl.

4.19 With respect to other categories of open space it is recognised that the Audit does identify shortfalls in other categories of open space that include Playing Pitches, Other Outdoor Sports, Equipped / Designated Play Provision, and Other Outdoor Provision. An extract of the numerical sub area analysis contained within the Audit is provided as Appendix 6. This numerical analysis shows the respective surpluses and deficits in forms of open space provision within Porthcawl.

4.20 The extent to which the extension of Griffin Park contributes towards the open space needs generated by the redevelopment of the land as a part of the Porthcawl Waterfront Regeneration Scheme would need to be considered in the process of considering any detailed planning application. In addition to the extension to Griffin Park it is anticipated that any future development proposals would include additional areas of smaller scale local open space (such as pocket parks and play areas) as required to meet the needs of the new development in line with planning policy requirements. Any such additional provision would be controlled by the Local Planning Authority when considering any future planning application.

4.21 As above, it is important to recognise that the development will also generate its own open space requirements and to that extent, the extension of Griffin Park is required to meet the needs of the new development as well as representing additional formal open space provision that will be available for existing residents within Porthcawl. To that extent the extension to Griffin Park and any contribution towards remedying the deficit in formal open space provision as identified within the 2020 Outdoor Sport and Children's Play Space Audit cannot be fully quantified until details of the overall open space provision within the new development and wider Porthcawl Waterfront Regeneration Area (PWRA) are confirmed through the planning application process.

4.22 The proposed retained and extended Griffin Park, which will remain in public ownership, also provides an opportunity to deliver qualitative improvements to open space provision within the area. It is also recognised that the appropriation of part of Griffin Park will enable the development of the area and that the development in so far as it affects Griffin Park will in the short term exacerbate a shortfall in formal open space provision, but any delay in delivering the extension to Griffin Park and any other additional space, the need for which is generated by the development, would be kept to a minimum.

4.23 Within the context outlined above it is not considered that there is an overriding public need for the existing use of the appropriation land. Additionally, and in the event it was considered that there was a benefit in retaining the land in its current use, it is considered that any such benefit would be outweighed by the wider benefits arising from the redevelopment of the appropriation land (and adjoining land that collectively forms the PWRA) in accordance with its LDP allocation and framework for development outlined within the Porthcawl Placemaking Strategy. In summary these wider benefits are considered to include the following:

- Creation of new and enhanced open space for current and future residents and visitors;
- Provision of improved connectivity across the site and to adjoining areas;
- Creation of additional housing to meet an identified need within the existing boundaries of Porthcawl and adjacent to established infrastructure;
- Additional job opportunities arising from both the construction and operational phases of the development;
- The development of this previously developed site protects against the unnecessary loss of countryside and the associated environmental impacts; and
- Having a positive impact on the perception and function of the area, benefiting existing residents and businesses.

Proposed Planning Use

4.24 When considering whether to appropriate the land for planning purposes it is important to understand the current planning status of the site. Whilst a detailed planning permission has not yet been secured, the site's previous UDP allocation, current LDP allocation, proposed RLDP reallocation and the approved Porthcawl Placemaking Strategy set out key land use parameters and a framework for comprehensive development that any detailed planning application would be expected to accord with.

4.25 The proposed appropriation land and the wider Porthcawl Waterfront Regeneration Area is currently allocated for mixed use development within the existing Local Development Plan. Policy PLA3 of the Adopted Local Plan sets out the Council's objectives for mixed use regeneration and identifies the Porthcawl Waterfront Regeneration Area as being a significant part of this strategy through its allocation as site PLA3(8).

4.26 In addition to the allocation in the Adopted LDP, the site is identified as a Mixed-Use Strategic Development Site within the RLDP Deposit Plan Public Consultation Document. Specifically, Policy PLA1 of the RLDP Deposit Plan Public Consultation Document allocates the land at Porthcawl Waterfront for a comprehensive, regeneration-led, mixed-use development that will deliver circa 1,115 homes (including 30% / 335 units of affordable housing), incorporating a new one form entry Welsh medium primary school, extension of the existing English medium primary school, a new food store, leisure facilities, a bus terminus, recreation facilities, public open space, plus appropriate community facilities and commercial uses. Policy PLA1 goes on to set out a series of placemaking and master planning principles that apply to the site.

4.27 The Porthcawl Placemaking Strategy builds upon the LDP and proposed RLDP allocation outlined above. The Placemaking Strategy was formulated in order to ensure that the future development of the wider Regeneration Area is aligned with the Council's aspirations to deliver development of the highest quality and responds to the wide-ranging needs of both the current community and future generations.

4.28 The preparation of the Placemaking Strategy and associated consultation provided an opportunity for members of the public to understand and influence the framework and guiding principles for development within the Porthcawl Waterfront Regeneration Scheme. This includes both the future development to be delivered upon the appropriation land and the wider development that will be unlocked via delivery of enabling infrastructure such as the new access road on the part of the land proposed to be appropriated.

4.29 The public consultation for the Placemaking Strategy was undertaken over a three week period from 24 November 2021 to 17 December 2021. The consultation included a two day public exhibition in the Porthcawl Pavilion which was attended by in excess of 1,000 members of the public. This exhibition was followed by the consultation material being displayed on the Cosy Corner site hoarding for 3 weeks and being made available online on the Council website.

4.30 The outcome of the public consultation process was fully outlined within the consultation report included as part of the 8 March 2022 report to Cabinet which resulted in the Placemaking Strategy being approved. In response to the areas of concern identified through the consultation, the following core amendments were made to the indicative mix and distribution of uses identified within the Porthcawl Waterfront Regeneration Area:

- Creation of a circa 200m long and 70m wide linear park along the Salt Lake seafront.

- Enlarged area of open space adjoining the pedestrianised extension to Dock Street and adjoining piazza.

- Reduction in the area of land on Salt Lake earmarked for housing by approximately a third.

4.31 Whilst the aforementioned amendments do not directly alter the nature and scale of the form of development anticipated to be delivered across the land proposed for appropriation, they have introduced significant changes to the form of development across the wider Porthcawl Waterfront Regeneration Area as a whole, including the introduction of additional open space that can be used flexibly by the community.

4.32 In addition to these amendments the Placemaking Strategy includes proposals for a new access road to Sandy Bay complete with integrated active travel routes and a significant extension to Griffin Park which would connect through to the relic dunes and Sandy Bay Beach. The delivery of this enhanced access and open space infrastructure is reliant on the proposed appropriation as the land is required to be vested for planning purposes in order for the highway works and the associated development to be delivered.

4.33 It is within the planning context outlined above that the appropriation of land at Griffin Park and Sandy Bay is being proposed, with the appropriation being an important step towards facilitating the comprehensive regeneration of the Porthcawl Waterfront Regeneration Area.

Advertisement of intention to Appropriate Land

4.34 Section 122(2A) of the Local Government Act 1972 requires a notice to be published in a newspaper circulating in the area in which the land to be appropriated is situated. In response to this requirement a notice was placed in the Western Mail on the 6 June and 13 June 2022. An electronic copy of this notice and the associated appropriation plan was also made available on the Council's legal notices page.

4.35 The proposed appropriation was readvertised via both site notice and Western Mail advert over a further 21 day period commencing 30 June 2022 using an amended notice, as it was brought to the attention of Council officers during the first period of consultation that there was only a reference to Griffin Park and not Sandy Bay in the body of the notice. This was done for the avoidance of any doubt about the land which is proposed to be appropriated. Objectors were informed that there was no need to submit a further objection if their objection already dealt with the proposed appropriation of Sandy Bay, as many/most had.

4.36 In addition to proposed appropriation being advertised in the Western Mail and on the legal notices page the consultation was expanded beyond the baseline statutory requirements by advertising the appropriation more widely, in order to ensure the public had maximum opportunity to be made aware of and in turn consider and comment on the proposed appropriation. This additional consultation consisted of the following:

- Display of notices and proposed appropriation plan at key entry points to Griffin Park and Sandy Bay.

- Background information, copies of documents and instructions of how to comment included on the BCBC consultation page

- Press and social media releases which provided further information and detail on how to comment.

4.37 With respect to the duration of the consultation the baseline requirement is for a 2 week period as outlined within the report to Cabinet that provided the initial authorisation to proceed with the advertisement of the appropriation. As with the approach to advertising outlined above additional time for responses was provided with the consultation period set at 3 weeks in order to maximise the opportunity for the public to consider and comment on the appropriation. In addition, the 21 day re-advertisement of the proposed appropriation commencing 30 June 2022 gave further time for members of the public to consider the proposed appropriation and submit written representations for consideration.

Representations Received

4.38 Representations of objection were received in response to the advertisement of the intended appropriation. An analysis of and officers' comments in response to the issues raised within the representations is set out in Appendix 5.

4.39 In summary, the advertisement resulted in 679 responses being received. The majority of these representations consisted of objections to the Council's proposals for the Porthcawl Waterfront Regeneration Scheme and most contained multiple reasons for making objections. In terms of the number of individual grounds for objection, recurring themes included the following:

- Fully opposed to the appropriation
- Opposed to any housing within Sandy Bay
- Opposed to the amount of housing
- Want to see more open space retained
- Concerned about loss of tennis courts
- Oppose loss of community building in Griffin Park
- Object to loss of Griffin Park
- Desire for more leisure and recreational uses
- Comments in relation to parts of the PWRA which fall outside the appropriation land
- Concerns as to whether the Well-being of Future Generations (Wales) Act is being considered in full
- Ecology concerns
- Concerns regarding infrastructure capacity
- Concerned about impact on access to medical facilities and education provision
- Consider insufficient information has been provided

- Lack of consultation
- Concerns about legal process

4.40 The consultation summary document provided as Appendix 5 includes officer comments in response to the summarised / paraphrased and aggregated grounds of objection. It is now necessary for Cabinet to formally consider the consultation responses and to decide whether the proposed appropriation should proceed. In considering representations made following the advertising of the intended appropriation, the Council is required to take these into account in reaching its decision to appropriate. This involves the exercise of discretion and the duty to act reasonably, taking into account all material considerations. In practice this will involve considering whether there is a need for the land to remain in its existing use in addition to balancing the benefits of appropriating the land against any detriment suffered by members of the public that may use and enjoy the land for open space purposes. Cabinet should consider the issues set out in detail in this report. Members of the public who currently use the open space for recreational purposes will have their current ability to use part of the open space land for these purposes taken away, but the short term exacerbation of a shortfall in formal open space provision in relation to the proposed appropriation of part of Griffin Park as well as the effects of the appropriation on all the land proposed to be appropriated must be weighed in the balance against the wider social, economic and environmental benefits to the area.

Human Rights

4.41 Objections have raised concerns in relation to the PWRA and impact on access to open space and leisure facilities. Consideration should be given to whether the Council would be complying with the Human Rights Charter for Leisure if it proceeds with the proposed appropriation. The World Leisure Organisation's review of the implications of the 1948 United Nations Universal Declaration of Human Rights recognises the right of all to enjoy leisure time and to freely participate in the cultural life of the community, for governments at national, regional/provincial and local levels; commercial organizations; education institutions; professional bodies; non-government organizations; and individual citizens. The latest revision was conducted by a Special Taskforce of the World Leisure Academy over the period 2017-2019 and was approved in 2020.

4.42 Article 1 of the Charter for Leisure recognises that everyone, whether adult or child, has the right to adequate time for rest and for the pursuit of leisure activity. Article 5 explains that leisure is a medium through which other rights and related benefits set out in the Universal Declaration of Human Rights and associated covenants can be exercised, including: the physical, mental, emotional and social development of the child through play; support for family life; personal expression and development; sustaining of cultural life of the community; and promotion of physical and mental health and well-being through sport, physical activity and cultural engagement. Article 6 provides that rights should therefore be observed and supported by all of society's institutions, including commercial organisations, education institutions, professional bodies and non-government organisations. It recognises that

Governments at national, regional/provincial and local levels have particular responsibilities reflecting commitments under United Nations treaties and, in some cases, provisions in national constitutions and legislation. Article 7 sets out that although Governments face many challenges and competing demands for resources, they nevertheless have particular responsibilities to:

- ensure availability and protection of land for open space for recreation in residential areas;
- ensure preservation of, and public access to, natural and culture heritage;
- ensure the provision of suitable space and facilities for children's play;
- support provision of health-enhancing amenities, such as facilities for sport and exercise;
- support cultural institutions and activities;
- ensure that all members of the community, regardless of age, gender, sexual orientation, ethnicity, religion, ability or income, have access to beneficial leisure facilities and services;
- support suitable training of a technical and professional work force for the leisure/ sport/cultural service industries;
- support research on the benefits and costs of leisure activity and on the provision of leisure facilities and services;
- include recognition of leisure-related rights in relevant national/provincial legislation and regulations, including those concerned with regulation of mass communications and digital media;
- recognise, in national, regional and urban policies and plans, the contribution which leisure-related provisions can make to personal, social, cultural and economic development;
- support other human rights which facilitate the participation in the cultural life of the community, including the right to food, clothing, housing and medical care and necessary social services and security, as set out in Article 25 of the Universal Declaration of Human Rights.

4.43 UK domestic legislation has not adopted the World Leisure Organisation's Charter For Leisure nor the Universal Declaration of Human Rights which it reviewed. It has however, via the Human Rights Act 1998, adopted various rights in the European Convention on Human Rights, including for example the rights to family and personal life in Article 8 and the right in Article 1 of Protocol No. 1 to own property and use possessions, which should also be considered. The close interconnection between the Universal Declaration of Human Rights (reviewed in the Charter for Leisure) and the European Convention on Human Rights is clearly expressed in the preamble to the latter treaty. It is therefore considered that the Council should consider the impact of the Charter for Leisure.

4.44 It is clear from the drafting of the European Convention on Human Rights that those rights of relevance are not absolute and can be overridden in a fair and proportionate manner. For example, Article 8 is qualified in that rights only apply except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the

prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. Similarly, Article 1 of protocol number 1 does not in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties. In considering the appropriation of the land, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the redevelopment will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

4.45 The proposed appropriation fits within a legislative context which requires consideration of the continued need for open space and provides for compensation of those whose property interests are affected. The policy context within which the proposed appropriation is being considered has been the subject of wide consultation. It is also considered that the proposed appropriation fits within the factual background which is described above in more detail. Overall, it is considered that the proposed appropriation wholly accords with the Charter for Leisure, the Universal Declaration, the European Convention and the Human Rights Act 1998. Any interference with such rights is considered to be a proportionate reasonable and lawful interference with the same in all of the circumstances.

4.46 Similarly, consideration should be given to the UN Convention on the Rights of the Child. The Convention came into force in the UK in 1992. Specific regard must be given to whether the appropriation is a breach of Article 31 – the right of every child to relax, play and take part in a wide range of cultural and artistic activities. In all of the circumstances, overall, it is considered that the proposed appropriation is in accordance with the UN Convention on Rights of the Child.

4.47 It is considered that there is a compelling case in the public interest for appropriating the Council's land as described in this report and that the appropriation would strike an appropriate balance between public and private interests. Furthermore, it is considered that the interference with individual rights is necessary and proportionate in the context of the delivery of the scheme and the benefits it will bring. These benefits are summarised within paragraph 4.21 of this report.

5 Effect upon policy framework and procedure rules

5.1 The approval of the proposed appropriation is an important step in the progression of the Porthcawl Waterfront Regeneration Scheme within the programme for delivery and will positively support the Council's policies and procedures.

5.2 As detailed within preceding sections of this report the site is currently allocated for mixed development within the existing Local Development Plan. In addition to the allocation in the Adopted Local Plan the site is identified as a Mixed-Use Strategic Development Site within the Replacement Local Development Plan Deposit Plan

Public Consultation Document. The Porthcawl Placemaking Strategy sets out a framework for development that delivers upon the objectives of the existing and proposed LDP allocations.

5.3 In addition to the planning status of the site at a local level, there is significant support for the proposed regeneration at a national policy level. Planning Policy Wales (PPW) supports the prioritisation of suitably located previously developed land for regeneration purposes, subject to other policy considerations.

5.4 When considered in the policy and procedural context outlined above, the proposed appropriation represents an important and necessary step in progressing the delivery of development across the PWRA, realising the regeneration objectives of the Council and wider national placemaking objectives of Welsh Government.

6. Equality Act 2010 implications

6.1 An initial Equality Impact Assessment (EIA) screening for the development across the PWRA 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 Equality Impact Assessment on this proposal.

6.2 For the avoidance of doubt, whilst the proposed appropriation seeks to change the legal status of the land it will not directly result in any material change to the physical state of the land. Any future decisions in connection with the disposal of the site and associated development will be brought before Cabinet for consideration in due course. Any future planning application will be subject to determination by the Local Planning Authority. Further EIA will be required and carried out at these stages.

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

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working has been considered, as summarised below, and there are no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

- Long term - The Porthcawl Waterfront Regeneration Scheme is a strategic development scheme which has the potential to add vibrancy to the locality through the provision of new housing, leisure and tourism opportunities, as well as retail and commercial developments; set within appropriate open space, parking and public realm.
- Prevention – the current Porthcawl Waterfront Regeneration Scheme sites are largely unoccupied and under-utilised and detract from the attractiveness of the area.
- Integration – the development of land within the Porthcawl Waterfront Regeneration Scheme will integrate with and access the existing town centre, sea front and leisure developments.

- Collaboration – the Council will continue to collaborate with residents, visitors and end users of this project to ensure successful and sustainable development and outcomes.
- Involvement – ongoing engagement with the community will continue to be an important facet of the Porthcawl Waterfront Regeneration Scheme.

8. Financial implications

8.1 The process of appropriation can in some instances result in compensatory payments where there are underlying third party interests in land. In this case there are no such known interests in the appropriation land and therefore it is not anticipated that any compensatory payments would arise as a result of the proposed appropriation. However, in the event that such interests were engaged then compensation would be made available and, in the event of any dispute, the extent of compensation would be referable to the Upper Tribunal (Lands Chamber) for determination. Given that the appropriation has not yet been confirmed, and it is not anticipated that that any compensatory payments would arise as a result of the proposed appropriation, it is premature to confirm if any compensation payments will have to be made or to what value. Should there be a need for compensation payments the amounts required, if agreed between the parties, will be clarified and a report will be presented back to Cabinet and/or Council to inform it of the amounts to be paid along with the funding source. Should there be a capital cost this will reimbursed from future sale receipts from disposal of the land at Porthcawl.

8.2 With respect to the proposed relocation of existing facilities impacted by the proposed development and provision of new facilities as part of the wider development, it is anticipated that these projects will be part of a significant number of large-scale individual and interlinked development projects as identified within the Porthcawl Placemaking Strategy. The approval of the legal process of appropriation does not constitute approval of any additional capital or revenue expenditure in connection with such individual projects and therefore there are no direct financial implications arising for BCBC from this report. All financial considerations will need to be considered on a project by project basis and further reports will be brought back to Cabinet and/or Council in connection with any future planned disposal / development of the appropriation land and wider regeneration area as appropriate.

9. Recommendations

Cabinet is recommended:

10.1 To consider 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.

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

Janine Nightingale
CORPORATE DIRECTOR – COMMUNITIES
18 October 2022

Contact officer: Jacob Lawrence
Principal Regeneration Officer

Email: jacob.lawrence@bridgend.gov.uk

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

Background Documents: Porthcawl Placemaking Strategy 2022
Bridgend Local Development Plan (Adopted September 2013)
Bridgend Replacement Local Development Plan Deposit Plan (2022)

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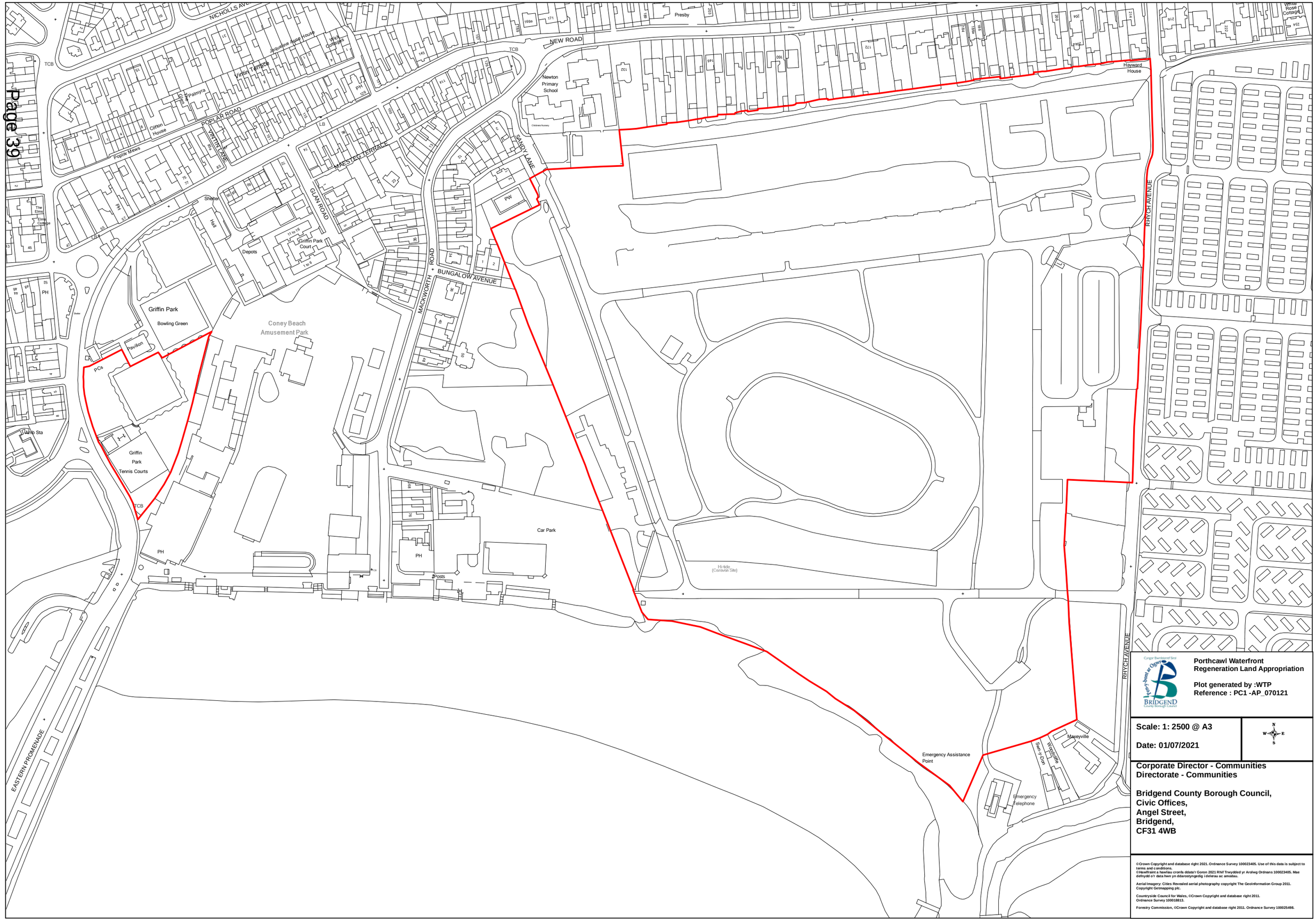

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
BRIDGEND County Borough Council

Porthcawl Waterfront
Regeneration Land Appropriation

Plot generated by :WTP
Reference : PC1 -AP_070121

Scale: 1: 2500 @ A3

Date: 01/07/2021

N W E S

Corporate Director - Communities
Directorate - Communities

Bridgend County Borough Council,
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Porthcawl Regeneration: Appropriation and CPO Land

Blue Outline CPO Land

Red Outline Appropriation Land

0 100
metres
Scale 1:2,500

Porthcawl Regeneration:
Appropriation and CPO Land

Plot generated by : WTP
Reference : PC1-COMB

Scale: 1: 2500 @ A3

Date: 01/08/2022

Corporate Director - Communities
Directorate : Communities

Bridgend County Borough Council,
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OPEN SPACE

Public Realm key points and linkages
Green infrastructure key points and linkages
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MIX OF USES, DISTRIBUTION AND SCALE

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Appropriation of Land at Griffin Park and Sandy Bay

Public Consultation Report

August 2022

Overview

In total 679 representations were received by letter and e-mail in response to the advertisement of the proposed appropriation. Advertisement included the publication of notices in the Western Mail on 6th of June and 13th of June, in addition to notices being displayed on land at Griffin Park and Sandy Bay from 6th of June until 27th of June. Further exposure was given to the consultation period through the publication of consultation details on the BCBC website in addition to a press release that was issued via the BCBC website and was posted on social media.

The proposed appropriation was readvertised over a period of 21 days commencing 30 June 2022 as during the first consultation period it was brought to the attention of officers that there was only a reference to Griffin Park and not Sandy Bay in the body of the notice. The second consultation period used a revised notice to avoid any doubt as to the land which is proposed to be subject to appropriation.

Planning and Prior Consultation Context

The proposed appropriation land and the wider Porthcawl Waterfront Regeneration Area (PWRA) is currently allocated for mixed use development within the existing Local Development Plan (LDP). Policy PLA3 of the Adopted Local Plan sets out the Council's objectives for mixed use regeneration and identified the PWRA as being a significant part of this strategy through its allocation as site PLA3(8).

In addition to the allocation in the Adopted LDP, the site is identified as a Mixed-Use Strategic Development Site within the Replacement Local Development Plan (RLDP) Deposit Plan Public Consultation Document. Specifically, Policy PLA1 of the RLDP Deposit Plan Public Consultation Document allocates the land at Porthcawl Waterfront for a comprehensive, regeneration-led, mixed-use development that will deliver circa 1,115 homes (including 30% / 335 units of affordable housing), incorporating a new one form entry Welsh medium primary school, extension at the existing English medium primary school, a new food store, leisure facilities, a bus terminus, recreation facilities, public open space, plus appropriate community facilities and commercial uses. Policy PLA1 goes on to set out a series of placemaking and master planning principles that apply to the site.

The Porthcawl Placemaking Strategy builds upon the LDP and proposed RLDP allocation outlined above. The Placemaking Strategy was formulated in order to ensure that the future development of the wider Regeneration Area is aligned with the Council's aspirations to deliver development of the highest quality and responds to the wide-ranging needs of both the current community and future generations.

The preparation of the Placemaking Strategy and associated consultation provided an opportunity for members of the public to understand and influence the framework and guiding principles for development within the Porthcawl Waterfront Regeneration Scheme. This includes both the future development to be delivered upon the appropriation land and the wider development that will be unlocked via delivery of enabling infrastructure such as the new access road on the part of the land proposed to be appropriated.

The public consultation for the Placemaking Strategy was undertaken over a three week period from 24th November 2021 to 17th December 2021. The consultation included a two day public exhibition in the Porthcawl Pavilion which was attended by in excess of 1,000 members of the public. This exhibition was followed by the consultation material being displayed on the Cosy Corner site hoarding for 3 weeks and being made available online on the Council website.

Whilst the LDP allocation and Placemaking Strategy provide a framework for developemnt, detailed proposals for individual developments within the PWRA will be subject to a planning application in due course and this will include further public consultation at both pre application and application stages as part of the statutory requirements applicable to planning applications.

Whilst appropriation allows for land to be transferred to planning purposes it does not fetter any future decision that may be made by the Council acting in its capacity as the Local Planning Authority. Any future applications for planning permission will be subject to due consideration and determined based on material planning considerations, in accordance with the relevant planning policies that apply at the time any planning application is made. It is expected that any planning applications will be made by developers in due course.

Representations Received

The significant majority of representations constituted objections to the Council's proposals to appropriate the land. Specifically, 658 of the representations received constituted an objection with 11 representations in support of the proposed appropriation. There were a number of grounds of objection that were raised by multiple respondents and many of the respondents objected to the proposals on more than one ground.

The grounds for objection have been aggregated / paraphrased as appropriate and are set out under themed headings below. Where appropriate comments have been provided in response to the grounds of objection.

It is worthwhile noting that a large number of representations relate to the overall regeneration proposals across the PWRA as opposed to the proposed legal process of appropriation. Such representations have been included below with comments provided in response as appropriate.

<u>Loss of Open space / Impact on Recreational Opportunities</u>

Representation: Opposed to any loss of open space

Representation: Griffin Park should be retained and upgraded

Representation: Opposed to any building on Griffin Park

Representation: Sandy Bay is the only green land left in Porthcawl and has the opportunity to be created into a much needed larger park than the existing Griffin Park.

Response: Whilst the majority of Sandy Bay is proposed to be developed, the proposals will result in a significant extension to Griffin Park which will provide a green link eastwards, connecting the existing Griffin Park to the Relic Dunes. It is recognised that there is potential

for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit.

Representation: Sandy Bay is widely used by dog walkers and should be retained as open space

Response: The proposed extension to Griffin Park which will provide a green link eastwards, connecting the existing Griffin Park to the Relic Dunes will provide space for dog walkers to continue to exercise their animals. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit

Representation: The new development must include open/community space within the heart of the development and should not rely on the beach to be it's community space.

Representation: Porthcawl has very limited leisure facilities and BCBC have not provided Porthcawl with a much needed leisure centre, pool or any other type of leisure for decades. To take what the town does have away will be detrimental and damaging.

Representation: The area should be retained as open-space and used to create things such as family friendly picnic areas, bike park, skateboard park, tennis courts, outdoor lido. The list is endless. Let people enjoy our great outdoors not develop more little boxes built on shifting sand.

Representation: There is no cinema, swimming pool or other major indoor recreational facility despite I believe many requests over the years.

Response: The proposed extension to Griffin Park outlined above forms a core element of the development and will provide opportunities for new community and recreational facilities as outlined within the Porthcawl Placemaking Strategy It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit. In addition to the extension to Griffin Park the wider proposals for the PWRA include a site at the southern end of salt lake earmarked for leisure uses. As outlined within the Placemaking strategy one potential leisure opportunity for this site is a new hotel, which could include the provision of onsite leisure / spa facilities which could be utilised by both hotel guests and residents within Porthcawl.

Representation: Request that a designated green wedge be included in the development

Representation: Sandy Bay acts a green belt between Trecco caravan park and nearby developed land and should be maintained.

Response: as outlined above, the proposals include a significant extension to Griffin Park which will act a as a green corridor, linking Griffin Park to the Relic Dunes. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their

potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit

Representation: The loss of open spaces designated for leisure in Porthcawl will also have a significant impact on the mental and physical wellbeing of existing residents and visitors to Porthcawl

Representation: Given the cost of living crisis and post covid context it is imperative that we provide sufficient areas of suitable land for public recreation, pleasure and mental wellbeing.

Response: The positive role of open space in facilitating physical and mental wellbeing is fully recognised. The proposals include a significant extension to Griffin Park which will act a as a green corridor, linking Griffin Park to the Relic Dunes. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit.

Representation: The proposed new road system will cut through the lower half of Griffin Park, taking away the much needed leisure facilities in the tennis courts, veterans hut and local bowls club. What proposals are in the Porthcawl Regeneration scheme to replace the loss of these facilities?

Representation: Opposed to the loss of the bowling green and tennis courts, particularly if there is a time lag between their loss and replacement facilities being provided.

Representation: Opposed to appropriation as land is regularly used for intended purposes but lack of investment has impacted on the use of the bowling green and community building which is now closed.

Representation: Opposed to loss of tennis courts as they are the most used part of the park

Response: The area of land to be appropriated from open space use within Griffin Park includes 2 tennis courts and a bowling green which is currently in use. Additionally, there is an existing single storey building that has remained vacant since December 2021. Prior to the building being vacated it most recently functioned as a community building via two 12 month leases granted by BCBC to Porthcawl Town Council with the predominate use being a veterans hub. Prior to this temporary occupation which ceased on December 2021 the building was declared surplus to BCBC requirements. As it stands the building is in poor condition with the floor having failed. Due to this and the limited lifespan of the building it has been identified that repairs to the building are not cost effective and it has been earmarked for demolition accordingly. The Council will work with this group to identify an appropriate alternative premises within the Town.

With respect to the tennis courts, it is proposed for these to be relocated and a new modern facility installed at an alternative location within the extended Griffin Park that will be delivered within the Porthcawl Waterfront Regeneration Scheme with the exact location and design of this facility to be developed in due course. In terms of bowling green provision there are 3 bowling greens in Griffin Park, one of which is disused. The current proposal is to bring that disused bowling green back into use prior to development taking place so as to mitigate the loss of the bowling green. That may depend on the extent of utilisation of the current bowling

green. It is conceivable that the extent of bowling green provision within Griffin Park would be reduced to a single green and that the new tennis court provision would be located at the site of the existing disused bowling green to the north of Griffin Park.

It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary.

Representation: Sandy Bay provides a safe area for children to ride bikes with surrounding roads too dangerous and the beachfront too busy to cycle safely.

Response: The proposed development will incorporate both an extension to Griffin Park and a series of active travel routes in order to ensure safe routes for cycling. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit.

Representation: Proposed appropriation is in direct contradiction to the majority of Porthcawl's residents wishes and also to the wishes of the early urban council that purchased 56 acres of Sandy Bay back in 1948 for the express purpose of providing an area for leisure and exercise.

Response: as part of the appropriation process the views of residents have been sought via the statutory consultation process for which the report provides a summary. The council has a duty to consider such comments when determining whether or not to proceed with the proposed appropriation. Tegard must also be paid to the wider benefits arising from the redevelopment of the appropriation land (and adjoining land that collectively forms the PWRA) in accordance with it's LDP allocation and framework for development outlined within the Porthcawl Placemaking Strategy. In summary these wider benefits are considered to include the following:

- Creation of new and enhanced open space for current and future residents;
- Provision of improved connectivity across the site and to adjoining areas;
- Creation of additional housing to meet an identified need within the existing boundaries of Porthcawl and adjacent to established infrastructure;
- Additional job opportunities arising from both the construction and operational phases of the development;
- The development of this previously developed site protects against the unnecessary loss of countryside and the associated environmental impacts; and
- Having a positive impact on the perception and function of the area, benefiting existing residents and businesses

Representation: Griffin Park is the only free seafront play area in Porthcawl and refuge for those with young children when the weather is not quite good enough for the beach.

Response: The proposals will result in a significant extension to Griffin Park which will provide a green link eastwards, connecting the existing Griffin Park to the Relic Dunes. As such, the

proposals will result in additional open space in closer proximity and directly linked to the seafront when compared to the existing situation. Additionally, the proposals include a new beachfront revetment which will improve access to the beach at Sandy Bay with a new walkway to be provided alongside this revetment. These works will collectively improve access to the seaside on the parts of the land controlled by the Council and provide a catalyst for redevelopment of areas along the seaside that are not within the land we control It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit . In addition to this further areas of open space are proposed within the PWRA by way of a new linear park running parallel to Eastern Promenade, in addition to further flexible all weather open space within the southern portion of Hilsboro Car Park.

Representation: Concerned about the loss of outdoor space for local people to train and enjoy sport. Taking away the Sandy Bay Area would have a huge impact on the fastest growing triathlon club in South Wales as it is used for both training and events.

Representation: Concerned as to whether BCBC have prepared an Open Space Assessment of the local area and whether the proposals are adequately linked to other relevant plans and strategies

Response: The positive role of open space in facilitating physical activity and recreation is recognised and the proposed regeneration includes significant areas of new formal open space, both within the appropriation land and across other parts of the PWRA. With respect to the reduction in the quantum of open space at Sandy Bay and query regarding an open space audit there is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit. Whilst the development of Sandy Bay may require groups that use this space to relocate their activity the findings of the 2020 Outdoor Sport and Children's Play Space Audit confirm that there is still a residual a surplus of alternative 'Amenity Green Space' open space that falls within the same categorisation as Sandy Bay that is available for use.

With respect to alignment of the proposed appropriation with other strategies of the Council regard should be given to the planning context.. In summary the proposed appropriation represents an important step in delivering upon a longstanding strategic allocation within the LDP.

Representation: The regeneration proposals for Sandy Bay itself would see the loss of easily accessible green space, currently used by the school for outdoor learning, which is now a legal requirement in the new curriculum.

Response: As outlined above the proposals would include an extension to Griffin Park and there is a surplus of 'Amenity Green Space' within Porthcawl which will act a as a green corridor, linking Griffin Park to the Relic Dunes. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. The Proposals also set aside land alongside the existing Newton Primary which would be sufficient both for a new school and for appropriate open space provision for both the new and retained school. Additionally, a series of active travel routes

would be included within the development in order to ensure safe routes for cycling. In respect of the school in particular, access would be maintained via Sandy Lane with this providing a high level of accessibility to both the relic dunes and beach area beyond.

Representation: There is insufficient information available regarding the use and value of Sandy Bay in order for it to reach an informed view on whether the open space is still required in the public interest of the locality.

Response: The Councils 2020 Outdoor Sport and Children's Play Space Audit does not recognise Sandy Bay as falling within any of the categories of open space identified by the Audit. It is noteworthy that despite that, there remains an identified surplus of 'Amenity Green Space' within Porthcawl. 'Amenity Green Space' is defined within the Audit as being "Informal recreation spaces, communal green spaces in and around housing and village greens". 'Amenity Green Space' is the category of open space with the most shared similarities to the open previously developed nature of the land at Sandy Bay.

Representation: The appropriation covers the whole of the land at Griffin Park and Sandy bay, yet a large proportion of the land at Sandy Bay (the relic dunes) is not proposed to be covered by the regeneration but left as Relic Dunes. Therefore, including this area within the land appropriation appears to be a misuse of the process and the statutory process should, as a matter of course, not be used to be relieve land of its status of being held in trust through appropriation for planning purposes when it is not covered by the proposed plans.

Response: The retention, protection and enhancement of the relic dunes forms an important part of the proposed development, and it is for this reason that it has been included within the area proposed to be appropriated for planning purposes. Whilst included within the area to be appropriated it can be confirmed that there are no plans for development within this area other than any work required to safeguard the dunes and ensure an appropriate level of public access is maintained in the future.

Representation: The proposed appropriation land would be used for intended purposes if the Authority considered making the land available for "pop up" events. Collaborating with local groups to make running adhoc events easier to organise, would be hugely beneficial.

Representation: The Land has been used successfully for public events and fundraisers. It is a travesty that Porthcawl Lions Club were forced to relocate their monthly boot sale & annual classic car rally outside Porthcawl as open space is available to them. With the right investment "the Sandy Bay bowl" could be an ideal all weather leisure & recreation location, much needed by tourists and residents alike.

Response:. The proposals include a significant extension to Griffin Park which will act a as a green corridor, linking Griffin Park to the Relic Dunes and will provide space for future events to be held. It is recognised that there is potential for a short time between the removal of facilities and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. Additionally, the placemaking strategy identifies proposals for a new linear park along eastern promenade in addition to a large area of flexible community space within the existing Hillsboro South Car Park. These spaces will provide further opportunities for events to take place.

Housing

Representation: There are no affordable homes in Porthcawl and building on prime land will not remedy this.

Response: The proposed development would result in an overall increase in the supply of homes within Porthcawl. Based on current planning policy, and subject to scheme viability, up to 30% of any new residential development would be required to be provided as affordable housing.

Representation: There must surely be areas to build houses further back from the sea front so that the designated area could be used as recreational for visitors and residents.

Representation: it would be more suitable to develop new housing on sites on the outskirts of Porthcawl

The site is allocated within the LDP and RLDP for mixed use regeneration as it is a sustainably located site that is comprised of previously developed land. Development in close proximity to the seafront will comprise of both residential and commercial developemnt. For example the Coney Beach frontage has been identified a being suitable for ground floor commercial / leisure development with the potential for residential units above.

This approach accords with the site search sequence outlined in national planning policy, whereby previously developed land within existing settlement boundaries should be prioritised for development over agricultural land outside an existing settlement.

Representation: The houses on New Road are at a lower level than Sandy Bay and I do not want my back garden overlooked by new properties. This potentially will significantly lower the value of my property.

Response: The separation distances between any new development and existing properties will be carefully considered as part of any future planning application. The design of housing and retained separation distances will be required to ensure that no unacceptable overlooking to neighbouring properties arises as a result of the proposed development.

Representation: more of the land should be designated for recreational facilities rather than housing to bring more visitors into the town as Porthcawl relies on tourism to generate its economy

Representation: Please reduce the number of dwellings proposed and use the opportunity to increase leisure facilities and open spaces for the benefit of the community and visitors

Representation: Opposed to development of any homes, Sandy bay should be used for caravans again

Response: The proposed mix and quantum of development has been informed by the LDP and RLDP processes which have included a robust assessment of relevant development needs in line with national planning policy. The resultant draft allocation in the RLDP is based on comprehensive, regeneration-led, mixed-use development that will deliver circa 1,115 homes (including 30% / 335 units of affordable housing), incorporating a new one form entry Welsh medium primary school, a four classroom block extension at the existing English medium primary school, a new food store, leisure facilities, a bus terminus, recreation facilities, public open space, plus appropriate community facilities and commercial uses.

Representation: Concerned that any housing built in those areas would be snapped up for holiday lets or for rental purposes rather than locals or first time buyers.

Representation: Residents of Porthcawl should be given priority to buy any properties built in Porthcawl

Response: Based on current planning policy requirements 30% of new homes within the developemnt would need to be provided as affordable housing. With respect to use of dwellings as holiday lets this would, if necessary, be controlled via the planning system.

Leisure and Tourism

Representation: Demand exists for an extension to the Hi tide seasonal caravan & camper van site and this should be pursued instead of housing.

Response: The proposed mix and quantum of development has been informed by the LDP and RLDP processes which has included a robust assessment of relevant development needs in line with national planning policy. The resultant draft allocation in the RLDP is based on comprehensive, regeneration-led, mixed-use development that will deliver circa 1,115 homes (including 30% / 335 units of affordable housing), incorporating a new one form entry Welsh medium primary school, a four classroom block extension at the existing English medium primary school, a new food store, leisure facilities, a bus terminus, recreation facilities, public open space, plus appropriate community facilities and commercial uses.

Representation: Building homes on Sandy Bay would kill off the front and seaside town character.

Representation: Plans are ill conceived. Porthcawl is a tourist town, celebrating our beautiful beaches and coastline. Any development at all needs to reflect that and add to the potential tourist attraction.

Representation: The redevelopment of a seaside resort should be focussed on improving Porthcawl's tourist offer and not as an opportunity to bolster housing and meet development plan housing targets.

Representation: Concerned as to what is going to happen to events such as the Elvis weekend and Bonfire night fireworks

Representation: Opposed to the loss of the funfair as it's removal will impact the towns attractiveness to overnight tourists and day trippers

Response: The proposed housing forms part of a wider masterplan for the PWRA as set out within the Porthcawl Placemaking Strategy. The fun fair is a private business and therefore the decision to close down the fun fair is not one that the Council can control. The plans for the PWRA are in part a response to the long planned closure of the fun fair by the company that operates it. The provision of new leisure and commercial development alongside new and enhanced open spaces and community facilities are important elements of the overall plans for the area. Collectively this mixed use regeneration is considered to provide an opportunity to improve the attractiveness of Porthcawl as a place to visit as well as live and do business within. The proposed regeneration will not act as a barrier for Porthcawl to continue to host special events such as the Elvis Festival and Bonfire Night. Conversely, the new spaces such as the seafront linear park proposed can create an opportunity to continue these events and

indeed establish new events that further support the towns attractiveness as a tourist destination.

Representation: With the right investor sought the bowl at Sandy Bay would be the perfect site for a wave pool like those at Bristol and Snowdonia which would make Porthcawl a world class surfing location for both natural and artificial waves.

Response: The land at Sandy Bay has been allocated for development as prescribed within the LDP and RLDP. Notwithstanding this the Councils planning policies are supportive of new tourism related business in appropriate locations. As such, should a proposal for such a facility represent a viable business opportunity and such proposals were to come forward on an alternative site then this would be able to be considered in accordance with the relevant planning policies.

Representation: Proceeds from any residential development should be for use on recreational purposes in Porthcawl, improving areas for walks and for creating exciting new attractions such as splash parks, crazy golf and similar facilities for both residents and visitors alike.

Response: the anticipated capital receipt from the new food store on the northern portion of Salt Lake has already been ringfenced to fund infrastructure improvements within Porthcawl. It is possible that future receipts from residential development could be targeted in a similar manner and used to fund any necessary infrastructure / development within Porthcawl, but that is ultimately a financial decision for the Council to make in due course.

Representation: Land at Sandy Bay is under covenant to be used for Recreational purposes. As such there should be no houses built on it. Instead it should have a pump track built in the Bowl for use by cyclists and skateboarders. There should be a splash park and mini golf

Response: The proposed appropriation would release the statutory trust that applies in respect of the land. Whilst the majority of Sandy Bay is proposed to be developed the proposed extension to Griffin Park forms a core element of the development. This extended park, alongside additional areas of open space along Eastern Promenade and within Hillsboro South Car Park will provide opportunities for new community and recreational facilities which could include some of the suggestions listed above.

Representation: Porthcawl has very little hotel or guest accommodation and other than the Parkdean holiday park the town has predominantly become a destination primarily popular with day trip visitors.

Response: The wider proposals within the PWRA include a site to the north of the marina which has been safeguarded for leisure use. As depicted within the Placemaking Strategy one potential use of this site would be for a new spa hotel which would act to bolster the hotel accommodation offer within Porthcawl.

Representation: If the council needs a cash injection then sell Sandy Bay area to Parkdaen or other similar operator

Representation: A campsite by the beach could bring in so much more tourism. With our great surf and wonderful beaches it would be the perfect spot. Something similar to Llangenith on Gower.

Response: The proposed appropriation has been brought forward in order to enable the site to be used and developed for planning purposes, in line with the LDP and RLDP allocation. Whilst the PWRA includes an area earmarked for a possible hotel the land at Sandy Bay has not been identified as being suitable for visitor accommodation such as a campsite and/or caravan park.

Representation: The development will cause a reduction in parking and in tourism to the area which a lot of businesses depend upon.

Response: There is only limited existing car parking available within the land subject to the proposed appropriation with this being the unmarked car park at Sandy Lane. Whilst the proposed appropriation does not relate to Salt Lake Car Park it is noteworthy that the PWRA includes this land and proposals for it's redevelopment are predicated on the delivery of a new multi storey car park at Hillsboro North, as outlined within the Porthcawl Placemaking Strategy.

Representation: Children's activities don't seem to have been considered other than extending Griffin Park. Barry Island still attracts lots of visitors & has managed to keep the funfair & children's rides along the front.

Response: The extended Griffin Park and proposed linear park along Eastern Promenade provide ample scope to include activities and facilities for children. At this stage these spaces have been mapped out spatially but not designed in detail. The detailed design of these spaces will be subject to further consultation in due course.

Transport, Highways and Parking

Representation: the new residential area would appear to be poorly served by public transport thus resulting in a corresponding private vehicle load on the local routes that are already stretched

Representation: There are a lack of cycling tracks within Porthcawl and also a lack of cycle routes in and out of the town.

Response: the overall proposals for the PWRA include the provision of a new four bay metro link which will enhance public transport accessibility within Porthcawl and provide links to adjoining settlements such as Pyle and Bridgend. The proposed development of Sandy Bay includes provision of a new access road that could be used as part of a new bus route. Additionally, a range of new pedestrian and cycle routes will be delivered across the PWRA which will support walking and cycling for local trips.

Representation: Establishing an access road through Griffin Park is un-necessary. Alternate route could be established if amalgamated with proposed sea revetment in front of Coney Beach Funfair.

Response: the route along the sea revetment will provide a safe and scenic route for pedestrians and cyclists with the provision of commercial / leisure development adjoining this

route adding to the tourist offer and overall vitality of the area. The revetment will also improve access to the beach. As such a new access road would not be appropriate in this area. The planned route through a small section of Griffin Park, across the existing fun fair and through the former monster park has been identified as the most appropriate route.

Representation: Little or no consideration given to parking facilities which will negatively impact on tourism and drive parking into the town and residential streets.

Representation: The Salt Bay car park is hugely necessary during peak periods and the loss of this will cause a huge car parking overspill into the surrounding streets and roads

Response: There is only limited existing car parking available within the land subject to the proposed appropriation with this being the unmarked car park at Sandy Lane. Whilst the proposed appropriation does not relate to Salt Lake Car Park it is noteworthy that the PWRA includes this land and proposals for it's redevelopment are predicated on the delivery of a new multi storey car park at Hillsboro North, as outlined within the Porthcawl Placemaking Strategy.

Representation: Porthcawl would benefit from a park and ride scheme, and better transport links, existing car parks could then be used as green spaces for visitors and residents to enjoy.

Response: the potential use of out of town parking facilities is an option that the Council will continue to consider in parallel to its plans for parking provision within the PWRA itself.

Representation: The highway infrastructure cannot support more all-year-round traffic

Representation: New Road is already an extremely busy and often congested road and cannot take more traffic.

Representation: Existing road system is inadequate, when events are held currently (like Bonfire Night) there is difficulty actually accessing the town & parking.

Representation: What is the situation regarding the access to the 900 houses in Sandy Bay.

Response: The proposed access road via Griffin Park has been expressly designed in order to minimise any impacts on New Road. For example an alternative to the current proposal could have been vehicular access to Sandy Bay via an upgraded Sandy Lane and / or Rhych Avenue. Such an approach was ruled out due to the fact that New Road could not accommodate the associated increase in traffic.

Representation: You are removing an area behind Sandy Bay used by residents & particularly disabled people who use the existing metalled roads around the bowl.

Representation: As a regular user of the place of worship on Sandy Lane, will the council assure us continued access to the property during & after any construction work?

Representation: safe access to the primary school must be maintained

Representation: Concerned that the redevelopment of Sandy Bay may cut off the car free route to the beach from Newton Primary

Response: access to both the place of worship on Sandy Lane and Newton Primary will be maintained via Sandy Lane. Access further southwards to the beach will remain pedestrian and cyclist only to ensure Sandy Lane is not used as an alternative vehicle access into Sandy Bay. Pedestrian and cycle links to the beach from Newton Primary will be included in the development.

Representation: Object to BCBC taking part of Griffin Park for a proposed road which at this time they have no Planning Permission for and in fact do not own or control the majority of the land (other than Griffin Park)which is required for the road proposal.

The proposed mix and quantum of development, including the requirement for a new access road through part of Griffin Park and the Coney Beach Fun Fair has been informed by the LDP and RLDP processes which has included a robust assessment of relevant development needs in line with national planning policy. The resultant draft allocation in the RLDP is based on comprehensive, regeneration-led, mixed-use development that will deliver circa 1,115 homes (including 30% / 335 units of affordable housing), incorporating a new one form entry Welsh medium primary school, extension at the existing English medium primary school, a new food store, leisure facilities, a bus terminus, recreation facilities, public open space, plus appropriate community facilities and commercial uses. There is no apparent reason why planning permission would not be granted.

Sustainability and Environmental Constraints

Representation: What will be implemented to protect the coastline and the development

Representation: With global warming and sea levels rising, is it a wise decision to build houses so close to the sea on land that is basically sand dunes?

Representation: Isn't there some risk building new homes by the sea due to rising sea levels

Response: Coastal flood risk will be appropriately mitigated as part of any new development with initial proposed design solutions including the provision of a stepped concrete revetment along the Coney Beach frontage

Representation: BCBC has a target of net zero, which cannot be reached by house building, tarmacking over wild areas and having thousands of construction lorries move in.

Representation: Concerned about CO2 emissions, the amount of extra traffic this will add to travelling in and out of Porthcawl will definitely have an impact on our environment.

Representation: Has the environmental impact been properly considered?

Response: The Council has a statutory duty to identify land for development to meet the needs of its local population via the local strategic planning process. A key element of the LDP and RLDP processes is assessing the suitability of a site from a sustainability and environmental impact perspective. This site and the proposed mixed use regeneration has been subject to a robust assessment and found to be suitable from a sustainability and environmental impact perspective. Further consideration of the environmental credentials and carbon footprint of detailed proposals will take place at the planning application stage, where relevant

environmental protection and carbon reduction policies will be applied to any new developemnt proposal.

Infrastructure Capacity (Water, sewerage, electricity etc)

Representation: Public sewers are inadequate to accommodate the development

Representation: Concern that the size of residential provision will cause an unsustainable burden on the sewage treatment works at Ogmore resulting in potential spillage and contamination of our coastline that has long been a valuable asset to the town.

Representation: The current sewage system is operating at maximum capacity and is only relieved of a catastrophic breakdown by the emergency reservoir behind the Eastern Promenade. Overflow releases untreated effluent into the sea. An additional 900+ housing units will only exacerbate this problem.

Representation: Concerned about run-off issues when heavy rain, often driven by onshore winds, falls on an impervious surfaces such as roads and drives.

Representation: With so much building work there will be a lack of drainage which could cause flooding in the future.

Response: A drainage strategy has been prepared for the site which identifies the necessary on-site infrastructure required to accommodate both foul water and surface water flows arising from the proposed development. Further drainage design work will be completed at the time a planning application is considered and this will be subject to independent review by Dwr Cymru/Welsh Water(DCWW) in respect of foul water and the Sustainable Drainage Approval Body (SAB) in relation to Sustainable Drainage Systems (SuDS) requirements.. Should this review process identify the need for further upgrades to existing infrastructure then such work would be specified by DCWW as a requirement for any relevant phase of development.

Representation: Concerned about the probable extra strain on the utilities such as water, electricity and broadband.

Response: the ability for the developemnt to be accommodated by the existing utility network in the town has been subject to review as part of the LDP and RLDP processes. Whilst these reviews did not indicate any headline concerns with regards to capacity this will be reviewed as part of the detailed planning application process via consultation with statutory consultees in connection with future planning applications.

Ecology

Representation: The area is an important wildlife corridor, and any development will result in loss of wildlife habitat.

Representation: I have seen a surprising number of species in the area including sky larks and kestrels. This space is clearly home to several species of flora and fauna, some of which may be significant in conservation terms. Building in the proposed volume on this unique habitat will be devastating to the wildlife and those who enjoy it.

Representation: The area commonly referred to as the bowl is home to numbers of migrating birds that nest in the area

Response: A Phase 1 habitat survey has been completed. This survey included both a desktop review and detailed site walkover in order to provide a robust basis for determining what ecology constraints may exist within the site. The Survey found as follows:

-It is not considered that the proposed development would have any adverse impact on any designated biodiversity sites in the surrounding area.

-The majority of the site provides habitat of low ecological value with limited areas of neutral maritime grassland considered to be of high local value within the site

-Provided adequate mitigation measures are implemented the proposed development of the site is not unacceptably constrained by biodiversity and nature conservation issues.

Representation: Local wild life will be adversely affected by taking so much of the coastal dunes away

Representation: The sand dune ecosystem is unique and should be preserved for future generations to experience and enjoy.

Response: the proposed development would not negatively impact on the relic dunes. Conversely the proposals include the retention and ongoing management of the relic dunes to ensure they continue to function as an important area of habitat.

Community Facilities / Social Infrastructure

Representation: Instead of 900 houses we need community space, outdoor facilities and places to enjoy and be proud of.

Response: The PWRA proposals are not limited to housing. For example the proposed extension to Griffin Park and new seafront linear park parallel to Eastern Promenade form a core element of the development and will provide opportunities for new community and recreational facilities as outlined within the Porthcawl Placemaking Strategy

Representation: Concerned about where the veterans hub members will go, without support potential for noise and anti social behaviour.

Response: Whilst the single storey building that previously accommodated the veterans hub is no longer fit for occupation, the Council will work with this group to identify an appropriate alternative premises within the Town.

Representation: Local infrastructure totally inadequate for size of development

Representation: The town's infrastructure, schools & medical services can't cope with the demand at present let alone with an increased population.

Response: In terms of GP surgeries the Council has been engaging with Cwm Taf Morgannwg University Health Board from the outset of the RLDP process. Early meetings were held to ensure the level and spatial distribution of growth proposed was clarified to help facilitate alignment of service provision. As part of Stage 3 of the Candidate Site Assessment, the health board amongst other consultation bodies were invited to provide comments in respect of those sites identified as suitable for future development and possible allocation in the Deposit LDP.

Whilst the Council cannot ultimately control provision of primary healthcare services, close working relationships will continue and be maintained with Cwm Taf Morgannwg University Health Board. This will be key to service provision planning as site allocations within the Deposit Plan progress.

In terms of additional supporting infrastructure, an Infrastructure Delivery Plan (IDP) has been produced for the site. The IDP provides a single schedule of all necessary infrastructure without which the development of the site for the anticipated uses within the plan period could not proceed. They key enabling infrastructure required to facilitate the proposed development includes the following key requirements:

• Coastal defence improvements;
• New public open space;
• Drainage infrastructure;
• New road and roundabout;
• Active travel improvements;
• Education provision (incorporating a new one form entry Welsh medium primary school and extension at the existing English medium primary school); and
• Utility connections and upgrades

Wellbeing of Future Generations

Representation: Regard must be given to the views of children, obtained through consultations, on what play and recreation provision they want in their areas; how they would like their neighbourhood to be organised to provide the play opportunities they want; and what barriers stop them from playing.

Representation: Regard should also be given to the views of parents, families and other stakeholders, The views of parents, families and other stakeholders, obtained through consultation, on play provision/opportunities and how this has or will inform future plans'

Representation: The social value of this land has been greatly underestimated by BCBC. This land should remain in trust to ensure that recreation and pleasure opportunities remain for my children and future generations.

Representation: I urge you to consider the long term physical and mental benefits your plans will have for the residents, and not the short to medium financial benefits of more residential properties.

Representation: It concerns me greatly that our children and grandchildren will have opportunities removed from them because of the current corporate and business deals being proposed which core purpose is to maximise receipts from land sales in our town.

Representation: Concerned about consultation and whether our community, young people and others been successfully engaged with and been given appropriate opportunity to give their opinion on the regeneration proposals.

Representation: How does this project safeguard the resources which may be needed by future generations? Open space is a valuable resource that should be protected for future generations.

Representation: It concerns me that there is potential for little or no open land to be left for our children and children's children to use. If the area is all developed, there will be no open space in which to maintain or improve our social and environmental wellbeing.

Representation: There has not been areas of land defined for retention and protection for future generations to have a say in the use of any land.

Response: The proposed framework for development outlined within the Porthcawl Placemaking Strategy followed public consultation which was attended by and engaged with by a broad spectrum of the community including both young and old. Additionally, a focused engagement session was held with a group of students from Porthcawl Comprehensive as part of pre public consultation stakeholder engagement. The responses from this engagement fed into the emerging strategies and opportunities identified at consultation stage.

The Council is fully cognisant of the requirements set out within the Wellbeing of Future Generations Act (WFGA) and such matters are taken into account as part of any formal decision making by the Council. A summary review of the Placemaking Strategy against the key WFGA criteria is included as part of the approved document.

With respect to the proportion of open land safeguarded for future generations it is considered that a suitable proportion of open space has been identified as part of the proposals for the PWRA. Whilst developemnt across Sandy Bay will reduce the amount of open space compared to the current provision, due regard should be given to the quality of public realm and in this respect it is considered that the proposals provide an opportunity to provide significant qualitative improvements.. The detailed design of these spaces and facilities contained within will be subject to further design work and consultation in due course.

In addition to the proportion of open space identified within the placemaking strategy (which is retained public land that can be used flexibly and modified over time in response to changing needs) regard must be given to the needs of future generations with respect to housing and employment opportunities. The proposed large scale mixed use development across the PWRA would make a valuable contribution to meeting such needs of future generations within Porthcawl.

Economic

Representation: Regeneration plans should also take into account the requirements of traders and for business not to be adversely affected in any way.

Representation: It is unclear how this appropriation will benefit the town's traders.

Representation: Concerned about economic impact resulting from the fair closing and associated businesses that rely on the linked trade

Representation: Concerned about impact on attractiveness of Porthcawl as a tourist destination.

(NB: further representations in relation to tourism and leisure covered under relevant section above)

Response: The proposed regeneration plans are expected to provide a significant uplift in economic activity and spend within Porthcawl, both in terms of enhanced attractiveness of the area to tourists in addition to the economic impacts arising from the construction and operational / occupied phase of the development.

Education

Representation: Newton School Governors are concerned about loss of green space including the loss of school playing field. The loss of the playing field, which has been in use for over 20 years, would have a considerable detrimental impact to our pupils who use this area everyday for their playtime and to participate in the daily mile, an initiative aimed to improve the physical and mental health of children.

Representation: Schools currently can't cope so will struggle with increased demand.

Response: the proposals do not seek to develop the existing Newton Primary grounds for alternative uses. The LDP and RLDP allocation safeguards a 1.8 hectare site adjoining the existing primary school to accommodate a minimum one form entry Welsh medium primary school, the expansion of the existing Newton Primary School (with co-located nursery facility) and a financial contribution to nursery, primary school and secondary provision as required by the Local Education Authority will be calculated at the time a planning application is made in accordance with the Education Facilities and Residential Development SPG and secured by way of planning obligation before planning permission is granted.

Representation: We have significant concerns regarding the loss of the informal parking facilities used by parents of the school at the start and end of the school day. This is likely to increase the volume of traffic around the school and could increase the risk of an accident occurring for example due to quick drop-offs at the school gate, or illegal parking.

Response: Suitable pick up and drop off facilities (both for the existing school and proposed new school) will need to be designed and implemented as part of the development of the new school and any extension to Newton Primary.

Other Matters

Representation: The Porthcawl Lifeguard Club are deeply concerned about how access to their station and the parking area will be severely impacted by this proposal.

Response: there are no plans to impact on the ability for the club to access their station. In contrast the proposals provide an opportunity to improve upon existing access arrangements and the Council is committed to working with the lifeguard club to facilitate this.

Representation: Porthcawl's issue is about a lack of "brand" identity. For example is Porthcawl a retirement village, a Commuter town, a residential town with thriving businesses or a seaside tourist resort. I would like the regeneration to find a balance between providing for all of the above

Response: The Council recognises the range of requirements for both the current and future Porthcawl. The proposals for the PWRA are considered to represent a balanced approach that maximises on the opportunity to deliver transformational change through high quality development that meets the land use planning requirements identified within both the LDP and RLDP.

Representation: The proposals for the appropriation of Sandy Bay are illegal. It's a well known fact that the land in question was left to the people of Porthcawl for leisure purposes by a benefactor.

Response: The appropriation is proposed within the legal framework in which BCBC operates.

Representation: From a personal point of view I am concerned about the lane which runs along the back of our houses in New Road. I don't know how accurate your red line is but in some instances it seems to go through the end of garages. Whatever you intend to do with this lane is very likely to affect access to our garages and gardens, if not stop it all together.

Response: the red line follows the Council's freehold ownership of Sandy Bay. Access to the rear land that serves properties on New Road will be maintained (and likely enhanced) as part of the proposed development.

Representation: The consultation pre-empts any changes to the LDP and Placemaking Strategy as a result of the consultations undertaken last year

Response: In order to avoid any confusion that could arise from multiple consultations taking place at the same time, the advertisement of the intention to appropriate land at Sandy Bay and Griffin Park was not progressed whilst the RLDP, CPO and subsequent placemaking strategy consultation were ongoing. Following the completion of these consultations and subsequent approval of the Porthcawl Placemaking Strategy by Cabinet on 8 March 2022, advertisement of the proposed appropriation commenced on the 6 June 2022.

Representation: Concerned at the distinct lack of information regarding what is planned. As residents, we are being asked for our views, but there are no plans that are easy to find on the BCBC website, and only newspaper reports found during a web search.

Representation: Concerned about a lack of transparency as to the intended use of the land the council seeks to appropriate. The council should be more forthcoming with their planning on how they intend to use this area for regeneration to allow for transparency with the Porthcawl community.

Representation: Object to the Porthcawl Appropriation on the basis that no detail has be provided apart from a map outlining the designated land to be taken.

Representation: The Council has tried to limit the views of residents on this important issue; three weeks is not enough time to consider such complex issues with the correct amount of thought and consideration.

Response: The Council has clearly set out its intentions for development within the PWRA through the consultation on and subsequent approval of the Porthcawl Placemaking Strategy which was undertaken over a three week period from 24th November 2021 to 17th December

2021. The consultation included a two day public exhibition in the Porthcawl Pavilion which was attended by in excess of 1,000 members of the public. This exhibition was followed by the consultation material being displayed on the Cosy Corner site hoarding for 3 weeks and being made available online on the Council website.

With respect to the appropriation consultation this was advertised in the Western Mail and on the BCBC legal notices page. In addition to this the consultation was expanded beyond the baseline statutory requirements by advertising the appropriation more widely, in order to ensure the public had maximum opportunity to be made aware of and in turn consider and comment on the proposed appropriation. This additional consultation consisted of the following:

- Display of notices and proposed appropriation plan at key entry points to Griffin Park and Sandy Bay.
- Background information, copies of documents and instructions of how to comment included on the BCBC consultation page
- Press and social media releases which provided further information and detail on how to comment.

With respect to the duration of the consultation the baseline requirements are for a 2 week period as outlined within the report to Cabinet that provided the initial authorisation to proceed with the advertisement of the appropriation. As with the approach to advertising outlined above additional time for responses was provided with the consultation period set at 3 weeks in order to maximise the opportunity for the public to consider and comment on the appropriation. In addition, the 21 day re-advertisement of the proposed appropriation commencing 30 June 2022 gave further time to objectors to consider the proposed appropriation and submit written representations for consideration.

Representation: under Local Government Act 1972 section 122 (2A) and Section 246 Town and Country Planning Act 1990 Section 122 LGA 1972 provides that: The Council may Appropriate for any purpose for which the Council is authorised by statue to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which its held immediately before appropriation. I note that you are using the above Act. But under the National Assembly for Wales (transfer of functions order 1999) planning legislation was transferred to what became the Welsh Government. Most executive functions and secondary legislation powers contained in the England and Wales Acts were transferred to National Assembly. Called National Assembly for Wales (trans functions) order 1999. These powers were transferred to Welsh Ministers as a result of the Government of Wales Act 2006. Since than there has been numerous planning legislation Acts issued by Welsh Government one being the Planning (Wales) Act 2015 on primary legislation to be made on a Wales only basis. Which also includes the Well being of Future Generations (Wales) Act 2015. Planning legislation has been devolved to Welsh Gov. so why is BCBC still quoting regulations under the. local Government Act 1972. Section 122-2A.? Surely, BCBC should be using more recent legislation issued by Welsh Government?

Representation: The legal trail leading to its present ownership is steeped in controversy and possible fraud.

Representation: There are covenants in place for Sandy Bay that the area is for Leisure use only. These also need to be considered as part of the appropriation.

Response: The Council is following the appropriate legal process for the proposed appropriation.

Proposed development is in conflict with local and national planning policies

Proposed appropriation would prejudice comprehensive development of an area

Response: the LDP allocation and framework for development set out within the Porthcawl Placemaking Strategy prescribe a comprehensive form of development of the type proposed. The proposals will also be subject to more detailed consideration when a planning application is made.

Representation: Object to any land within Griffin Park being removed from the use of residents of Porthcawl until such time that BCBC has planning permission, funding and a proposed developers has obtained planning permission to proceed with the development of the Sandy Bay site

Representation: A Public Inquiry has been called following the large numbers of objections to the Compulsory Purchase Orders for land related to the regeneration proposals. It would seem prudent to await the result of the Inquiry before attempting to appropriate land.

Response: Given the Council's proposals for the land to be used as a part of the Porthcawl Waterfront Regeneration Scheme, for which it has an LDP allocation, the proposal to include it within the RLDP and the adopted Placemaking Strategy. Appropriation of the land to planning purposes is necessary prior to planning permission being granted in order to demonstrate that there are no impediments to the scheme which underlies the CPO. Whilst appropriation allows for land to be transferred to planning purposes it does not fetter any future decision that may be made by the Council acting in its capacity as the Local Planning Authority. As such, any future applications for planning permission will be subject to due consideration and determined based on material planning considerations, in accordance with the relevant planning policies that apply at the time any planning application is made. It is expected that any planning applications will be made by developers in due course. The appropriation will however enable the Council to give certainty to both the Welsh Ministers (who will consider whether the CPO ought to be confirmed) and developers alike that the land is available for development.

Representation: To accompany my objection and reasoning I have attached the results of an online survey which I carried out ahead of having to submit a statement of case for the impending public enquiry. This survey identified, with a very clear consistency throughout the duration within which responses were being received, that the most important element to the respondent was to retain and protect sufficient and suitable land and protect it from permanent types of development - mean importance rating of 8.88 out of 10. Housing returned at a mean importance rating of 3.67 out of 10. 963 people responded to this survey.

Response: The submitted survey and information contained within is noted.

Representation: The public notice under Section 122(2A) of The Local Government Act 1972 is misleading and incorrect.

Response: The proposed appropriation was readvertised over a period of 21 days commencing 30 June 2022 as during the first consultation period it was brought to the attention of officers that there was only a reference to Griffin Park and not Sandy Bay in the body of the notice. The second consultation period used a revised description of the land in the notice to avoid any doubt as to the land which is proposed to be subject to appropriation.

Representation: Concerned that private leasehold agreements have held back regeneration for so many years.

Response: The Council is committed to progressing its proposed regeneration plans within the PWRA. The proposed appropriation is an important step towards delivery of developemnt and follows the success of the Jennings Building, sale of the food retail site and recent approval of the Porthcawl Placemaking strategy. In addition to the proposed appropriation the Council are progressing a Compulsory Purchase Order to unlock development.

Representations in Support

In addition to the key grounds of objections summarised / paraphrased and aggregated above there were 11 representations in support of the proposals which included the following comments:

Sandy Bay has been derelict for so long it's about time something was done about it the place is a mess and the bowl is full of rubbish and dog mess

Porthcawl needs more houses for it's next generations

Porthcawl is desperately in need of new housing of all types; apartments, townhouses, detached houses and semis etc.

New housing on these brownfield sites will ease the pressure on the green belt

New housing on these sites will be part of the natural housing land cycle and encourage some of the older, downsizers in other parts of town such as Nottage, Newton and Rest Bay etc to stay local and release their larger family homes to the market for families with children to buy.

If new houses are not built on these sites then the current supply and demand imbalance will cause prices to go up even further.

New housing on these sites will attract increased spend from new residents to stay within the town and assist regeneration and development of the town and creation of other business' and jobs etc.

This new housing development needs to happen asap or else there is a grave danger of missing the housing cycle again as has happened several times over the past 30+ years.

I am looking to purchase my first home right now and it's difficult to find houses due to high prices and lack of availability. There are many people in a similar situation to me and the main way to resolve this is to build more houses.

The proposed infrastructure plans surrounding the developments, whilst they seem to be high level at present, look very promising.

For too long, the town has been dominated by a loud negative grouping that opposes just about everything and believes that cheap air flights never happened.

The only thing that will regenerate Porthcawl is people living here. As our population gets increasingly older, the town needs new faces.

I live 50 yards from the development at Rhych Avenue and I am concerned that there is a misguided campaign from people, who live miles away to stop it in its tracks.

The local people should have a say but please listen to people who live near it allow them to have a greater voice. Any objection from a post code outside Porthcawl will have political motivation, a Nimby mentality and should be disregarded.

I would urge the local authority to see this development through. Purchase as much land as possible from local speculators who are happy to see prime sites left derelict (Knights and GHH come to mind) Build a large mixed use development. Built by local south Wales contractors with plenty of houses, apartments and tourist business'.

Do not listen to negative naysayers who will not be contributing to Porthcawl or spending any time near the project

I think it is fantastic that Porthcawl regeneration is being talked about. For far too long Porthcawl has been a tatty seaside town with a tired, dated, run down fair. The town is desperately in need of investment and the prospect of progress is exciting and welcomed.

Sub Area Analysis

Grouped Sub Market Area	2011 population	Playing Pitches (1.2 Ha per 1,000 population)			Other Outdoor Sports (1.6 Ha per 1,000 population)			Equipped / Designated Play Areas (0.25 Ha per 1,000 population)			Other Outdoor Provision (MUGAs and skateboard parks) (0.3 Ha per 1,000 population)			Amenity Green Space (1.22 Ha per 1,000 population)		
		Standard (Ha)	Existing Provision	Deficit or Surplus	Standard (Ha)	Existing Provision	Deficit or Surplus	Standard (Ha)	Existing Provision	Deficit or Surplus	Standard (Ha)	Existing Provision	Deficit or Surplus	Standard (Ha)	Existing Provision	Deficit or Surplus
Bridgend	49,404	59.28	30.72	-28.57	79.05	3.75	-75.30	12.35	3.00	-9.35	14.82	2.46	-12.36	29.64	99.50	69.86
Garw Valley	7,784	9.34	5.46	-3.88	12.45	0.28	-12.18	1.95	0.79	-1.16	2.34	1.01	-1.32	4.67	4.83	0.16
Llynfi Valley	20,612	24.73	14.57	-10.17	32.98	1.33	-31.65	5.15	0.85	-4.30	6.18	2.59	-3.59	12.37	29.14	16.77
Ogmore Valley	7,954	9.54	6.60	-2.94	12.73	0.85	-11.88	1.99	0.63	-1.36	2.39	0.17	-2.22	4.77	13.81	9.04
Pencoed	10,054	12.06	14.73	2.66	16.09	0.58	-15.51	2.51	0.34	-2.17	3.02	1.57	-1.45	6.03	23.38	17.35
Porthcawl	16,005	19.21	11.20	-8.00	25.61	1.78	-23.83	4.00	0.75	-3.25	4.80	0.09	-4.72	9.60	20.85	11.25
Pyle Kenfig Hill & Cornelly	15,945	19.13	12.21	-6.92	25.51	2.08	-23.43	3.99	0.61	-3.37	4.78	0.55	-4.23	9.57	31.39	21.82
Valleys Gateway	11,420	13.70	11.41	-2.29	18.27	0.52	-17.76	2.86	0.75	-2.10	3.43	1.38	-2.05	6.85	15.10	8.25

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF CORPORATE OVERVIEW AND SCRUTINY COMMITTEE

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

1. Purpose of report

1.1 The purpose of this report is to present Cabinet with the findings and recommendations of the Corporate Overview and Scrutiny Committee (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.

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 In accordance with Rule 18 of Part 4 Rules of Procedure in the Council's Constitution, 3 Members of the Overview and Scrutiny Committees and a Scrutiny Chair, requested that the Executive decision made by Cabinet on 14 June 2022 be Called-In.

3.2 The Committee considered the proposed decision by Cabinet including the reasons for the decision, taking into account whether the decision is in line with corporate priorities and policies.

3.3 The role of Councillors exercising Overview and Scrutiny is, amongst other things, to ensure that the development of the Council's policies and the way they are being implemented reflect the needs and priorities of local Communities in the County Borough. As such, in holding the Cabinet to account for the efficient exercise of the executive function, the Overview & Scrutiny process aims to strengthen accountability for the decisions and performance of Bridgend County Borough Council.

3.4 For the purposes of informing Cabinet, the following appendices have been attached:

- **Appendix A** – Cabinet Decision Record 14 June 2022;
- **Appendix B** – Notice of Call-In Form;
- **Appendix C** – Report to Cabinet 14 June 2022;
- **Appendix D** - Call In Report to Corporate Overview and Scrutiny Committee on 30 June 2022.

4. Current situation/proposal

4.1 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 is 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 is 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.

5. Effect upon policy framework and procedure rules

5.1 The work of the Overview & Scrutiny Committees relates to the review and development of plans, policy or strategy that form part of the Council's Policy Framework and consideration of plans, policy or strategy relating to the power to promote or improve economic, social or environmental wellbeing in the County Borough of Bridgend.

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 implications

7.1 The Wellbeing of Future Generations Implications are outlined in section 7 of the Cabinet report of 14 June 2022, attached as **Appendix C**.

8. Financial implications

8.1 The financial implications are outlined in Section 8 of the Cabinet report of 14 June 2022, attached as **Appendix C**.

9. Recommendation

9.1 Cabinet is requested to consider the Recommendations of the Corporate Overview and Scrutiny Committee as outlined in paragraph 4.1 above and provide a written response to the Committee.

12 October 2022

Contact officers: Meryl Lawrence
Senior Democratic Services Officer - Scrutiny

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Background documents: None

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CABINET DECISION RECORD – 14 JUNE 2022

Title of Report	**REVENUE BUDGET OUTTURN 2021-22**
Decision Made	Cabinet noted the revenue outturn position for 2021-22 and recommended that Council approves the virements between £100,000 and £500,000 as outlined in paragraph 4.1.15 of the report.
Date Decision made	14 June 2022
Reasons for that decision	As part of the Performance Management Framework, budget projections are required to be reviewed regularly and reported to Cabinet on a quarterly basis. The delivery of agreed budget reductions is also kept under review and reported to Cabinet as part of this process.
Personal Interests Disclosed	None.
Dispensation Granted by the Council's Standards Committee	None.
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

Title of Report	**CAPITAL PROGRAMME UPDATE**
Decision Made	That Cabinet agreed that the revised Capital Programme (Appendix A to the report) be submitted to Council for approval.
Date Decision made	14 June 2022
Reasons for that decision	Capital investment in the Council's assets is a key factor in meeting the Council's well-being objectives as set out in the Council's Corporate Plan. The report is seeking approval for the inclusion of new capital schemes within the capital programme that was previously approved by Council in February 2022
Personal Interests Disclosed	Cllr JP Blundell declared a prejudicial interest in this item as he is a LEA Governor of Bryntirion Comprehensive which is mentioned in the report and withdrew from the meeting for consideration of this item.
Dispensation Granted by the Council's Standards Committee	None.
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

Title of Report	**RECYCLING AND WASTE SERVICE POST 2024**
Decision Made	That Cabinet: (1) Authorised officers proceeding to seek invitation of tenders for the provisions of the short duration waste contract from 2024 to 2026.

	(2) Delegated authority to the Corporate Director of Communities in conjunction with the Section 151 Officer and Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy to negotiate with Kier and agree the final cost for the acquisition of the vehicles and plant and equipment from Kier required to perform the recycling and waste service. (3) Delegated authority to the Corporate Director of Communities in conjunction with the Section 151 Officer and Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy to negotiate terms with Kier to change fuel supply for the existing fleet of recycling and waste vehicles and plant to a HVO - hydrogenated vegetable oil derived fuel. (4) Noted that future financial implications will be reported back to Cabinet and Council in due course. (5) Authorised officers to commence work on the future waste service model, commission specialist advice if required and report back to Cabinet on the new service model as developed.
Date Decision made	14 June 2022
Reasons for that decision	In order to provide an update on the future direction of the Council's recycling and waste service.
Personal Interests Disclosed	None.
Dispensation Granted by the Council's Standards Committee	None.
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

Title of Report	**LEVELLING UP FUND PRIORITY PROJECTS**
Decision Made	That Cabinet: • Noted the overview and update on the application process associated with the LUF. • Endorsed the projects proposed by officers to be submitted in round two of the LUF programme. • Delegated authority to the Director of Communities to liaise with the Section 151 Officer to agree the total project costs to be submitted within the applications

	• Approved that future financial implications will be reported back to Cabinet and Council in due course prior to acceptance of any grant funding. • Receives a future report on the development of a bid for the Ogmore Constituency.
Date Decision made	14 June 2022.
Reasons for that decision	The LUF will invest in local infrastructure and capital projects that have a visible impact on people and their communities. This includes a range of high value local investment priorities, including local transport schemes, urban and economic regeneration projects and supporting cultural assets to benefit the public.
Personal Interests Disclosed	None
Dispensation Granted by the Council's Standards Committee	None.
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

Title of Report	**BRIDGEND NET ZERO CARBON - HYDROGEN TECHNOLOGY DEMONSTRATOR**
Decision Made	That Cabinet:- 1. Noted the progress to develop; Bridgend Net Zero Carbon – Hydrogen Demonstrator Project 2. Delegated authority to the Corporate Director of Communities, in consultation with the Chief Officer – Finance, Performance and Change and Chief Officer - Legal and Regulatory Services, Human Resources and Corporate Policy, to work with the Marubeni Corporation to develop the Hydrogen Demonstrator Project and to negotiate the terms of the MoU and enter into the document. 3. Delegated authority to the Corporate Director of Communities, in consultation with the Chief Officer – Finance, Performance and Change and Chief Officer - Legal and Regulatory Services, Human Resources and Corporate Policy, to commission specialist advice utilising resources that will be made available from the Communities Directorate Earmarked Reserve (EMR) 2022-23 for implementing Bridgend 2030 Decarbonisation Strategy from the Communities Directorate budget as required and to report back to Cabinet on the full project proposal.

	4. Noted that a further report shall be received following the end of the MoU period to consider detailed viability of the project.
Date Decision made	14 June 2022
Reasons for that decision	If fully pursued the Project will provide local green hydrogen that support decarbonisation of the Council's assets and the wider region.
Personal Interests Disclosed	None.
Dispensation Granted by the Council's Standards Committee	None.
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

Title of Report	**APPOINTMENT OF LOCAL AUTHORITY GOVERNORS**
Decision Made	That Cabinet approved the appointments detailed at paragraphs 4.1 and 4.2 of the report.
Date Decision made	14 June 2022
Reasons for that decision	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.
Personal Interests Disclosed	Cllr H Williams declared an interest in this item as he was an applicant for one of the vacancies at Abercerdin Primary School in the report and withdrew from the meeting for consideration of this item. Cllr N Farr declared an interest in this item as she was in competition for one of the vacancies at Porthcawl Comprehensive School in the report and withdrew from the meeting for consideration of this item.
Dispensation Granted by the Council's Standards Committee	None.
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

Title of Report	**SCHOOL MODERNISATION PROGRAMME - MYNYDD CYNFFIG PRIMARY SCHOOL OUTCOME OF PUBLISHED STATUTORY NOTICE**
Decision Made	Cabinet: • Noted the outcome of the published statutory notice in respect of the proposed enlargement of Mynydd Cynffig

	Primary School as detailed in the Objection Report (Appendix A to the report refers); • Gave approval to publish the Objection Report; • Determined to implement the proposal with effect from the beginning of the autumn term 2025; • Gave approval to issue and publish a decision letter.
Date Decision made	14 June 2022
Reasons for that decision	In order to further progress the amalgamation and enlargement of the school subject of the report.
Personal Interests Disclosed	None.
Dispensation Granted by the Council's Standards Committee	None.
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

Title of Report	**SCHOOL MODERNISATION PROGRAMME – HERONSBRIDGE SCHOOL OUTCOME OF CONSULTATION PROCESS**
Decision Made	Cabinet : • Noted the outcome of the consultation with prescribed consultees, as detailed in the attached Consultation Report and appendices; • Approved the Consultation Report (Appendix A to the covering report) for publication; and • Authorised the publication of a statutory notice in respect of the proposal.
Date Decision made	14 June 2022
Reasons for that decision	In order to progress with alterations to the school in question, including its relocation.
Personal Interests Disclosed	None.
Dispensation Granted by the Council's Standards Committee	None.
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

APPENDIX A

Title of Report	**SCHOOL MODERNISATION PROGRAMME – YSGOL GYMRAEG BRO OGWR OUTCOME OF CONSULTATION PROCESS**
Decision Made	That Cabinet: • Noted the outcome of the consultation with prescribed consultees, as detailed in the attached Consultation Report and appendices; • Approved the publication of the Consultation Report (at Appendix A to the report); • Approved the publication of a statutory notice in respect of the proposal.
Date Decision made	14 June 2022
Reasons for that decision	In order to progress further proposed alterations to the school.
Personal Interests Disclosed	None
Dispensation Granted by the Council's Standards Committee	None
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

Title of Report	**OUTCOME OF CONSULTATION 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**
Decision Made	Cabinet : • Noted the outcome of the consultation with interested parties as detailed in the attached consultation report (Appendix A referred) and appendices; • Approved the consultation report (at Appendix A) for publication • Authorise the publication of a statutory notice in respect of the proposal.
Date Decision made	14 June 2022
Reasons for that decision	In order to cater for further learning provisions for pupils with ALN, LRC and MLD at the school.
Personal Interests Disclosed	None.
Dispensation Granted by the Council's Standards Committee	None.

Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member.

Title of Report	**OUTCOME OF CONSULTATION 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**
Decision Made	That Cabinet : (1) Noted the outcome of the consultation with interested parties as detailed in the attached Consultation Report (Appendix A to the report refers) and appendices; (2) Approved the Consultation Report (Appendix A to the report) for publication; and (3) Authorised the publication of a statutory notice in respect of the proposal.
Date Decision made	14 June 2022
Reasons for that decision	In order to cater for further learning provisions for pupils with ALN, LRC and MLD at the school.
Personal Interests Disclosed	None
Dispensation Granted by the Council's Standards Committee	None
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member

Title of Report	**PROPOSED DATES FOR MEETINGS OF CABINET, CABINET COMMITTEE EQUALITES AND CABINET COMMITTEE CORPORATE PARENTING**
Decision Made	That Cabinet approved the Programme of meeting dates for Cabinet, Cabinet Committee Equalities and Cabinet Committee Corporate Parenting, as outlined in paragraph 4.1 of the report.
Date Decision made	14 June 2022
Reasons for that decision	The approval of the programme of meetings of Council, Cabinet and their Committees is required in accordance with the Council's Constitution and allows for the public to be able to access the decision-making processes of the Council made at its Committees cycle.
Personal Interests Disclosed	None

Dispensation Granted by the Council's Standards Committee	None
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member

Title of Report	**REPRESENTATION ON OUTSIDE BODIES AND JOINT COMMITTEES**
Decision Made	That Cabinet appointed the requisite number of Members to the joint committees and other outside bodies as listed in Appendix 1 to the report (names of individual representatives to be added to the list and when complete, the list to be circulated to all Members and published).
Date Decision made	14 June 2022
Reasons for that decision	The Authority's continuing partnership, working with a wide range of organisations within the County Borough, contributes to the achievement of its corporate well-being objectives.
Personal Interests Disclosed	None
Dispensation Granted by the Council's Standards Committee	None
Consultation undertaken prior to the decision	Legal, Finance and the relevant Cabinet Member

Notice of 'Call-In'

Committee: Overview & Scrutiny Committee

1. Decision Subject To Call-In:

Title: Details inc date
RECYCLING AND WASTE SERVICE POST 2024 14th June 2022

2. Member(s) of the Committee Wishing to Call the Decision In

Name
Councillor Martin Williams
Cllr Amanda Williams
Cllr Freya Bletsoe – Chair Scrutiny Committee 2
Cllr Steven Bletsoe

3. Reasons for the Call-In

Various Reasons See Below:

- The report presented to cabinet did not contain sufficient information for Cabinet to make a fully informed decision nor did they seek additional information through questioning.
    - There was no presentation of the alternative options that could be considered, for example the service could be brought in-house and managed directly rather than procuring a 'short-term' interim contract between 2024 & 2026.
    - There was no indication of the procurement costs that would be incurred. Neither was there a cost benefit analysis between a short-term contract and an in-house option (because the in-house option hadn't been considered).
    - The paper did not consider alternatives to procuring the plant and existing fleet from Kier. No consideration was given to alternative options such as procuring an 'all in contract' or leasing an alternative fleet (potentially a low emission fleet for example).
    - Aside from the estimated additional cost of 'HVO' fuel the cabinet made a decision without a full understanding of the costs.
    - There was insufficient scrutiny or questioning of the decision to proceed with HVO fuel despite an additional revenue cost of £75k pa. Given the current cost of living crisis such an increase in revenue expenditure without any obvious direct benefit should have been given much further scrutiny. The Cabinet Member for Future Generations and Wellbeing did ask if the HVO would be from primary or recycled sources, but the Director for Communities was unable to answer.

• In summary, the paper was presented as a fait accompli, the cabinet failed to challenge the assumptions made in the paper. There was no consideration of alternative options in either the paper or the cabinet's deliberations. There was no financial information within the paper for the cabinet to understand the financial implications of their decision nor did they request it. The cabinet did not properly consider budgetary implications of the HVO fuel proposal against a backdrop of a wider cost of living crisis and further budget pressures. The Director of communities was also unable to confirm the source of the 'HVO' fuel. • The decision has not been properly considered and requires further scrutiny.

4. Date of Call-In: 21st June 2022

APPENDIX C

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

14 JUNE 2022

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

RECYCLING AND WASTE SERVICE POST 2024

1. Purpose of report

1.1 The purpose of this report is to provide an update on the future direction of the recycling and waste service and to seek Cabinet approval: -

- To proceed to tender, for an interim contract for the recycling and waste collection / community recycling centre management contract, for upto a two-year duration
- To delegate authority to the Corporate Director of Communities to negotiate and finalise acquisition fees for the existing vehicles, plant and equipment utilised in the provision of the current service with Kier Services Limited.
- To delegate authority to the Corporate Director of Communities to negotiate terms with Kier to change fuel supply for the existing fleet of recycling and waste vehicles and plant to a hydrogenated vegetable oil (HVO) derived fuel, in the period upto the end of the contract in 2024
- To commence work on the future service provision post 2026, including looking at decarbonisation of the waste fleet and additional material streams for recycling with the aim of being the best performing waste & recycling Local Authority in Wales.

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 deliver the Council's well-being objectives.

3. Background

3.1 The Council has outsourced its recycling and waste contract to a commercial contractor since 2003. The contract has been renewed every 7 years and the Council has had three contractors fulfil that service. The current outsourced waste contract was awarded to Kier Services Limited in April 2017. This contract will end on 31st March 2024.

3.2 There is no doubt that overall this current contractual arrangement has been successful in terms of relative cost and also meeting and exceeding recycling targets, the Council continues to be consistently in the top performing Local Authorities in Wales, with 70% of our waste being recycled. The Council now has

the ambition of providing the best recycling and waste collection service in Wales. A key part of this ambition is to look to increase the number of waste streams that can be recycled, including from the kerbside collections and within the Community Recycling Centres (CRC's) across the Borough. To ensure community re-use shops provide extended life to unwanted items that are still in good and working condition. Also, of significant importance, if the Council is to meet its Net Zero Carbon target by 2030, it must decarbonise the Refuse Vehicle Fleet by switching to Ultra Low Emission Vehicles (ULEV). The Council is considering both Electric and Hydrogen fuel applications for this currently. However, for large goods vehicles, high costs and a developing marketplace, which contains both purely electric powered and hydrogen powered vehicles, means commitment to a fleet type is difficult to determine currently.

3.3 It is also clear that a great deal of uncertainty exists with regards to the methodology and targets for the future recycling and waste service model. This is because the Welsh Government (WG) targets for recycling post April 2024 are not yet known. There is also increased uncertainty with regards to the future effect that planned changes in legislation in relation to Deposit Return Schemes and Extended Producer Responsibility, will have on recycling tonnages presented at the kerbside for collection. Therefore, it is these factors combined with the market issues surrounding the current availability and cost of a new and innovative decarbonised refuse fleet, that make deciding exactly what a new model of contract/service would need to look like from 2026 and onwards currently difficult.

3.4 It is for these reasons that the Cabinet is strongly recommended to make a decision to put a short-term interim contract into place, of no more than two years, to cover the period from 2024 to 2026. This contract would use the existing fleet of vehicles, with minimum service changes. This would also allow for achievement of the next Welsh Government recycling target in 2024. This short contract period would also allow time for the development of the ULEV marketplace, such that a clear best way forward with vehicle types would become apparent and financially sustainable. Welsh Government recycling targets and relevant forthcoming legislation would also be published, and future service configurations would be able to be tailored to achieve the set targets.

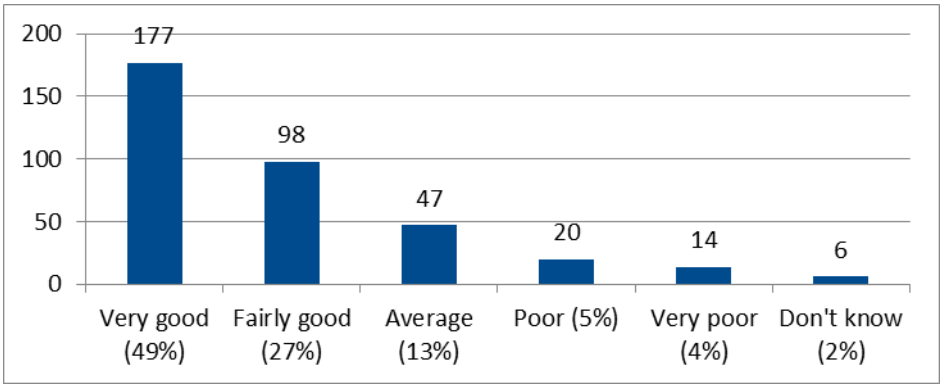
3.5 In summary, the short interim contract period would allow time for the development of the complex future waste collection model post 2026, including the key decisions around how the service is provided, to be made at a time when there would be less uncertainty. This would ensure that the most cost-effective service and innovative technology is deployed, which is critical if the Council is to achieve its ambition of being the best recycling and waste service in Wales. The Council will work on the interim contract and in parallel use this time to look at all service delivery options available, including a new contractual arrangement or bringing the service back in-house, possibly via an arm's length arrangement.

PERFORMANCE OF THE CURRENT CONTRACT

3.6 It is now recognised that the lead in time to secure robust service continuation arrangements for the provision of a large-scale recycling and waste services contract are both complex and substantial. The current recycling & waste service overall performs very well, and it will be important to improve on this position if the Council is to achieve its ambition of being the best in Wales. In July 2021, officers presented a report to the Overview and Scrutiny Committee 3 (OVSC 3) on the

good performance of the current waste services contract and also considered the issues outlined above, that is, the option and risks of progressing with a new contract post 2024 with so much uncertainty. In addition, a Citizen's Panel Survey from 2021, also demonstrated a high level of satisfaction with the existing waste service contract. The graph below shows that 76% of respondents rated the kerbside collection as good or fairly good, with only 9% rating it as poor.

Overall, how would you rate the kerbside collection service 2021?



3.8 Another key indicator of good performance is the rate of Missed Collections. These are used as a standard industry measurement of service performance for recycling and waste collections. Put simply, it is the number of collections reported as missed during service. Service standards of 80 misses or less per 100,000 collections undertaken for fortnightly collections and 50 misses per 100,000 or less for weekly collections are considered to represent excellent standards of service. The latest recorded monthly figures for missed collections across all collection services available are for April 2022 in Bridgend and stand at 39 misses per 100,000 collections undertaken. Expressed in percentage terms reported missed service collections occur on 0.039 % of the collection service occasions. This shows that overall, an excellent service is provided. It is recognised that there remain isolated cases of concern, as there are with all waste contracts, however they are managed and delivered, including some issues with communal waste collections which will be reviewed where possible.

3.9 There have been significant increases in recycling performance levels in recent years. WG has developed a future strategy and implemented national targets for annual waste reuse/recycling/composting. At the last formal reporting of recycling performance given at the Scrutiny meeting on the 19 July 2021 a recycling level of 67.58% for Bridgend was recorded for the 2019/20 year, exceeding the current 64% Welsh Government statutory target. Whilst still provisional, the expected 2021/22 recycling performance is anticipated to be 72.97%, a potential all-time best for the authority and a result exceeding the next 70% statutory target that will come into place for the 2024/25 year, three years ahead of target. This will mean that Bridgend will be amongst the top Local Authorities for recycling in Wales, and therefore by default one of the best in the world as Wales is a world leading country in this regard.

3.10 Also of importance to note here is that our current waste contractor, Kier, have implemented the Real Living Wage with the workforce and also applied a number of improvements to payment terms for LGV drivers. The latter improvements were made in response to a national LGV driver shortage and an increasingly competitive

marketplace to ensure continuity of collections service for the authority. These costs have been absorbed by Kier as the contractual arrangement has protected the authority from these cost pressures and will continue to do so until 31 March 2024.

4. Current situation/proposal

4.1 The recommended way forward in this report is to procure a new short term interim waste contract for a period of upto 2 years, between 2024 and 2026. This will use the existing collection methodology and waste vehicle fleet and allow the Council the time required to look at a new model of service provision post 2026, with a decarbonised fleet, additional material streams recycled, against the backdrop of certainty of WG targets and new environmental legislation. All with the ambition of the Council being the best performing waste and recycling Local Authority in Wales.

4.2 Following confirmation from Kier that they were exiting the waste market and that a contract extension would not be available, officers comprising Communities' operational management staff, legal officers and procurement officers have considered the future options for the service post 2024. In addition, further strategic discussions took place at Corporate Management Board to consider what might be achievable and deliverable in the timescale and in the circumstances.

4.3 These internal discussions explored service continuation models and determined that as a preferred option officers pursue preparations for procurement of a short-term contract for a period of upto 2 years. This would engage a contractor to utilise the existing fleet (requiring acquisition of the existing fleet and equipment) and provide a service aligned to the current provision. In effect, procuring a short duration new contract that would provide the same service and advantages to the decision-making timeline that would have been provided had a short contract extension be entered into with Kier. In the intervening months officers have progressed with the preparations putting together tender documentation regarding a two-year continuation contract which is obviously considerably easier and quicker to develop and procure than an entirely new contract, with new collection methodologies, which would also require public consultation.

4.4 Officers are now nearing readiness to go out to tender and are seeking the formal approval of Cabinet to progress to tender stage. As the contract will provide virtually the same service as present to the public, no public consultation is required to proceed and the process of switching from one provider to another should be relatively seamless and without some of the issues that sometimes occur when a new contract with entirely new collection methodologies and routes are implemented. There may be an opportunity however, to review and improve the position with some minor areas such as communal bin collection, albeit the team are currently working on this issue currently to improve recycling rates and general cleanliness.

4.5 In order to proceed with the approach outlined above the Council will need to purchase the current vehicles, plant and equipment utilised by Kier in the provision of the service at the end of the contract, in order for the new contractor to continue to use these items. The current contract provides Bridgend Council with the exclusive right to acquire the plant and equipment at set individual unit values. It is envisaged negotiation will be required, as the exact list of vehicles and equipment now in use in the performance of the contact is somewhat varied from the original

prediction. Delegated authority for the Corporate Director of Communities will be required to negotiate and finalise a value for the acquisition of the Kier assets and Council approval will be required to acquire these assets through the Capital Programme or an EMR

4.6 When the value of the plant to be acquired is finalised, approval will be sought in a future Council Capital Programme report prior to the required purchase in March 2024.

IMMEDIATE CARBON REDUCTION OPPORTUNITY

4.7 It is recognised that in the medium to long term the highest environmental benefit in terms of fleet provision will be a change to ULEV Electric/Hydrogen powered vehicles that produce zero emissions in use. If these are fuelled by a renewable energy supply, they will represent the cleanest possible method of recycling and waste collection. An interim step has been being explored and discussed between Kier and Council officers, namely the introduction of Hydrogenised Vegetable Oil (HVO) derived fuel vehicles. Kier have undertaken investigations and confirmed that the existing fleet is able to be run using this fuel type.

4.8 A switch to Hydrogenated Vegetable Oil fuel can bring a reduction of circa 975 tonnes of CO2 emissions per annum to the current carbon footprint of the waste and recycling operations - this represents a 93.54% carbon reduction. The change to HVO fuel would however cost more than standard diesel. The additional cost of fuel purchase is anticipated to be in the region of £75,000 per annum. This would benefit both Bridgend Council in its carbon agenda and Kier who also wish to lower their carbon footprint. Officers recommend that, as this would represent a very positive carbon reduction change for a relatively low cost, we proceed with the proposal and authority be delegated to the Corporate Director of Communities to negotiate and agree a shared cost with the existing contractor to implement this change as an interim measure on our journey to a carbon zero 2030. The Council's share of the cost would be funded from within existing Communities Directorate budgets.

4.9 In addition to proceeding to tender with a short-term waste contract, it is also imperative that work is now commenced on determining the direction of waste services post April 2026. This will be both complex and lengthy and will need to be resourced appropriately to build on the already high performing service. There will be a number of key decision areas for the Council to consider in its post 2026 future waste service. It is proposed these will form part of future Cabinet Reports.

4.10 Key decision-making areas will include:

- The future waste fleet configuration in regard to decarbonisation, that is the ULEV needs whether electric or hydrogen vehicles.
- The changes to the service provided and collection methodology to ensure future recycling targets continue to be met and exceeded.
- The impact that new legislation or material waste streams will have on collections and recycling rates.
- The Model of service provision to be utilised in future. This could be continued outsourcing to an external contractor ,a shared service with a neighbouring local authority with the same collection methodology, a

Bridgend Council provided service, or a service provided via an arm's length Bridgend Council owned company.

5. Effect upon policy framework and procedure rules

5.1 This report has no effect on the 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 based on the 5 ways of working and any requisite mitigating measures have been set out in**.**

The proposed short duration recycling and waste contract together with the proposed more immediate change to HVO fuel. Demonstrate the sustainable development principle by ensuring that by meeting the needs of the present they do not compromise the ability of future generations to meet their own needs. This is evidenced through the 5 ways of working as follows:

- Long-term: The proposed contract allows for consideration of not only the current targets and issues in the service area, but also those that are considered to be issues in the future. The proposal allows for appropriate time to be given to seek to put in place a more fit for purpose recycling and waste solution in the long term with decisions being able to be made in this regard, at a time when more information is available.

- Prevention: The proposed change to HVO fuel will generate immediate carbon footprint reductions, preventing further harm to the environment and protecting the environment for future generations.

- Integration: The proposed recycling and waste contract will be undertaken to ensure that future services and their implementation integrates with current and future recycling and environmental objectives.

- Collaboration: The process for providing the continuing service will be undertaken through a partnership approach between BCBC and service providers.

- Involvement: The long-term future direction of the recycling and waste contract beyond the short-term contract proposed will require changes to the service provided to the public. This will be subject to a future full public consultation.

8. Financial implications

8.1 A competitive tender process with an emphasis on value for money will ensure all bidders competing to win the contract keep costs as low as possible, however,

significantly increasing national and global fuel costs, increasing wage costs particularly for implementing the real living wage, enhanced LGV driver payments to compete in the jobs market for drivers during a time of national shortage combined with the current inflationary pressures and housing growth will impact on the future cost of the provision of waste and recycling services. The outcome of the tender exercise will have to be considered by Cabinet as part of the future Medium Term Financial Strategy.

8.2 Changing to HVO fuel will bring an additional cost in the region of £75,000 per annum, anticipated to be shared between the existing contractor and Bridgend County Borough Council during the current contact term. The Council's share of the cost would be funded from existing Communities Directorate budgets.

8.3 Subject to negotiations with Kier, it is proposed that the Council acquire all Vehicles, Plant and Equipment associated with the running of the contract. This is anticipated to vary dependant on the exact configuration of vehicles and plant currently deployed in the delivery of services, and any subsequent funding required for this will be through approval from Council.

9.0 Recommendations

Cabinet is recommended to: -

9.1 Authorise officers proceeding to seek invitation of tenders for the provisions of the short duration waste contract from 2024 to 2026.

9.2 Delegate authority to the Corporate Director of Communities in conjunction with the Section 151 Officer and Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy to negotiate with Kier and agree the final cost for the acquisition of the vehicles and plant and equipment from Kier required to perform the recycling and waste service.

9.3 Delegate authority to the Corporate Director of Communities in conjunction with the Section 151 Officer and Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy to negotiate terms with Kier to change fuel supply for the existing fleet of recycling and waste vehicles and plant to a HVO - hydrogenated vegetable oil derived fuel.

9.4 Note that future financial implications will be reported back to Cabinet and Council in due course.

9.5 Authorise officers to commence work on the future waste service model, commission specialist advice if required and report back to Cabinet on the new service model as developed.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES
June 2022

Contact Officer: Zachary Shell
Head of Operations – Communities
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APPENDIX C

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Background Documents:
Overview and Scrutiny Committee 3 Report on Waste Provision post 2024 dated 19th July 2021

APPENDIX D

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CORPORATE OVERVIEW AND SCRUTINY COMMITTEE

30 JUNE 2022

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

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

1. Purpose of report

1.1 The purpose of this report is to enable the Committee to consider the decision of Cabinet of 14 June 2022 in relation to the report on Recycling and Waste Service Post 2024.

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 health 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** – 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 Rule 18 of the Overview and Scrutiny Procedure Rules in the Council's Constitution, 3 Members of the Overview and Scrutiny Committees, and a Scrutiny Chair, have requested that an Executive decision made by Cabinet on the 14 June 2022 be Called-In.

3.2 For the purposes of informing the Committee more fully regarding the reasons for Call-In, the following appendices have been attached:

- **Appendix A** – Cabinet Decision Record of 14 June 2022;
- **Appendix B** – Notice of Call-In Form;

- **Appendix C** – Report of the Corporate Director - Communities: Recycling and Waste Service Post 2024 to Cabinet on 14 June 2022.

4. Current situation/proposal

4.1 The role of Councillors exercising Overview and Scrutiny is, amongst other things, to ensure that the development of the Council's policies and the way they are being implemented reflect the needs and priorities of local Communities in the County Borough. As such, in holding to account the Cabinet for the efficient exercise of the executive function, the Overview & Scrutiny process aims to strengthen accountability for the decisions and performance of Bridgend County Borough Council.

4.2 Three Members of Overview and Scrutiny Committees and a Scrutiny Chair have requested to Call-In the Cabinet decision of 14 June 2022.

4.3 The role of the Committee within the Call-In process is to consider the proposed decision taken by Cabinet including the reasons for the decision, factors taken into account by Cabinet when making the decision and whether the decision is in line with corporate priorities and policies. Further details as to the reasons for Call-In are provided at **Appendix B** and set out below:

- The report presented to Cabinet did not contain sufficient information for Cabinet to make a fully informed decision nor did they seek additional information through questioning.
- There was no presentation of the alternative options that could be considered, for example the service could be brought in-house and managed directly rather than procuring a ‘short-term’ interim contract between 2024 & 2026.
- There was no indication of the procurement costs that would be incurred. Neither was there a cost benefit analysis between a short-term contract and an in-house option (because the in-house option hadn’t been considered).
- The paper did not consider alternatives to procuring the plant and existing fleet from Kier. No consideration was given to alternative options such as procuring an ‘all in contract’ or leasing an alternative fleet (potentially a low emission fleet for example).
- Aside from the estimated additional cost of ‘HVO’ fuel the cabinet made a decision without a full understanding of the costs.
- There was insufficient scrutiny or questioning of the decision to proceed with HVO fuel despite an additional revenue cost of £75k pa. Given the current cost of living crisis such an increase in revenue expenditure without any obvious direct benefit should have been given much further scrutiny. The Cabinet Member for Future Generations and Wellbeing did ask if the HVO would be from primary or recycled sources, but the Director for Communities was unable to answer.
- In summary, the paper was presented as a fait accompli, the Cabinet failed to challenge the assumptions made in the paper. There was no consideration of alternative options in either the paper of the Cabinet’s deliberations. There was no financial information within the paper for the Cabinet to understand the financial implications of their decision nor did they request it. The Cabinet did not properly consider budgetary implications of the HVO fuel proposal against a

backdrop of a wider cost of living crisis and further budget pressures. The Director of communities was also unable to confirm the source of the 'HVO' fuel.

- The decision has not been properly considered and requires further scrutiny.

4.4 If, having considered the decision, the Committee is still concerned about it, then it may refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns. If referred to the Cabinet, it must be reconsidered by Cabinet within a further 7 clear working days, amending the decision or not, before adopting a final decision. If the Committee does not refer the matter back to the Cabinet, the decision may be determined on the date of the Overview and Scrutiny Committee meeting.

5. Effect upon policy framework and procedure rules

5.1 The work of the Overview & Scrutiny Committees relates to the review and development of plans, policy or strategy that form part of the Council's Policy Framework and consideration of plans, policy or strategy relating to the power to promote or improve economic, social or environmental wellbeing in the County Borough of Bridgend.

6. Equality Act 2010 implications

6.1 The equality implications are outlined in Section 6 of the Cabinet report attached as **Appendix C**.

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

7.1 An assessment under the Wellbeing of Future Generations (Wales) Act 2015 has been made and is outlined in Section 7 of the Cabinet report attached at **Appendix C**.

8. Financial implications

8.1 The financial implications are outlined in Section 8 of the Cabinet report attached as **Appendix C**.

9. Recommendation

9.1 The Committee is recommended to consider the Cabinet decision of 14 June 22 relating to Recycling and Waste Service Post 2024 and to determine whether it wishes to:

i) refer the decision back to Cabinet for reconsideration, setting out in writing the nature of its concerns;

ii) decide not to refer the matter back to the Cabinet.

Kelly Watson
Chief Officer – Legal & Regulatory Services, HR & Corporate Policy
24 June 2022

APPENDIX D

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Background documents: None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

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

1. Purpose of report

1.1 The purpose of this report is to seek to implement a ban on the giving of live animals as prizes on all Bridgend County Borough Council owned land, and

1.2 To provide Cabinet with an overview of the work of Shared Regulatory Services to ensure high standards of Animal Health and Welfare across 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 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.

3. Background

3.1 Authorised officers of Shared Regulatory Services (SRS) deliver the full range of Animal Health and Welfare functions on behalf of the Council. The remit of the team is broad and includes

- Animal disease prevention and control
- Animal feed compliance
- Animal welfare
- Animal warden services to deal with problems of straying, particularly dogs and horses, and

- Animal related licensing (including dog breeding)

3.2 The Service works 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.

3.3 The RSPCA conducts regular campaigns to raise awareness of the plight of animals, and one such campaign which has gained significant public interest concerns the fact that animals, usually goldfish, are still being given to people as prizes at fairs and other events across the country. While an outright ban on the practice can only be achieved through a change in the law, the RSPCA has appealed to Councils in Wales to prohibit the giving of animals as prizes on any Council-owned land.

4. Current situation/proposal

4.1 In its broadest sense, the focus of the Animal Health and Welfare team is two-fold. Firstly, officers have powers under the Animal Welfare Act and animal straying legislation to ensure the wellbeing of animals. They also monitor compliance with the law in respect of farmed animals, and this is central to ensuring the safety of the food chain; quite literally a farm to fork approach.

4.2 Officers carry out inspections of farms and holdings across the county borough, and a crucial element of this work is making sure that legal requirements are being met in respect of animal disease prevention and control as well as in the identification, traceability and movement of farmed animals. Outbreaks of notifiable animal disease can have devastating consequences, as seen in the Foot and Mouth Disease outbreak of 2001, and these inspections, bio-security checks and robust contingency planning, form the first line of defence against future incidents.

4.3 Unfortunately, one such notifiable disease has made its presence felt in Wales recently, and that is avian influenza. Strict rules come into play as soon as an outbreak is confirmed in farmed birds to prevent spread of the disease from one site to another. After a number of reported incidents across South Wales last winter in the wild bird population, the Animal Health and Welfare team is working with partners to raise awareness of the problem and the need for the public to be vigilant when using open spaces and report the presence of sick or dead wild birds.

4.4 Animal feed plays an important part in the human food chain with implications for the quality and composition of livestock products consumed by humans, such as milk, meat and eggs. All businesses that manufacture, market, distribute or use animal feed across the county borough must be registered with SRS. Officers carry out a risk based programme of inspections and provide guidance to the various trade sectors to ensure feed compliance.

4.5 Turning to animal welfare, officers work proactively through their inspection programmes and also reactively, in response to complaints received. While the Service will always seek to work with the keepers of animals to drive up standards of welfare, there are occasions when improvement notices and warnings aren't heeded and it becomes necessary to take formal action, including prosecution. This will also be the case in respect of repeat offenders. Unfortunately it has proved necessary to prosecute a keeper of horses in the county borough on a number of occasions for unnecessary suffering and for failing to meet the welfare needs of horses. At the conclusion of the most recent trial, the horse keeper was sentenced to 6 months in

prison and he, as well as his then partner, were both disqualified for life from keeping any animals.

4.6 The team is also responsible for responding to stray dog incidents across the county borough whereby Animal Wardens seek to identify owners through the compulsory microchipping scheme and reunite them with their lost dogs. Where this isn't possible, stray dogs are seized and kennelled for 7 days during which time they can be reclaimed by their owners (on payment of a fee) or later re-homed.

4.7 Using the Welsh Government's Control of Horses (Wales) Act, Officers work with partners to seize stray horses from the highway and Council land, or in the case of private land, fly-grazed horses can be seized following a request from, or express permission of, the landowner. Horses seized under the Act are kept for a period of 7 days and are only released upon proof of ownership and on payment by the owner of the full costs of seizure.

4.8 The Animal Health and Welfare Team conduct annual inspections of premises requiring a licence for animal related business activities such as kennels, home boarding, pet shops, riding establishments and dog breeding. Officers work with the businesses concerned to ensure that the required conditions are met in terms of animal welfare and also for the health and safety of staff and customers. Currently, some 68 premises are registered for animal related business activites across the county borough.

4.9 In recent years there has been a huge increase in demand for pet dogs, particularly the most desirable breeds, and this demand was only exacerbated during the COVID 19 pandemic as families sought 'lockdown buddies'. While legitimate breeders are able to operate safely and ethically within the licensing regime, the huge demand for puppies has driven huge price increases with recent research suggesting eye watering prices for Labradoodles, French Bulldogs and American Bullys among others. Perhaps it is not surprising that this is an industry that has attracted a rogue element, keen to make quick profits, with little thought for animal welfare, and in an environment where they perceive there to be a low risk of being caught and punished. This is the world of the unlicensed, illegal dog breeder.

4.10 In the last year, a number of SRS investigations have concluded in the prosecution of unlicensed dog breeders, and further investigations are ongoing. The introduction of the Animal Welfare Breeding of Dogs (Wales) Regulations 2018 has been of assistance in this regard as has the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021. As a result of the latter set of regulations, commercial sellers can only sell puppies and kittens that they have bred on the premises from which they are being sold. The result of this is in effect, the banning of third party sales of puppies and kittens, as envisaged by 'Lucy's Law'.

4.11 The work of the Animal Health and Welfare team has been recognised recently, firstly by the South Wales Police and Crime Commissioner's Partnership Award, which was announced in June 2022. This award praised the very best in partnership working which saw SRS Officers working alongside the RSPCA and equine charities to seize 240 horses from different sites, including one in the county borough. The horses were being kept in dreadful conditions, but with support from South Wales Police and also South Wales Fire and Rescue Service, officers were able to overcome the bitterly cold and very challenging conditions, and worked into the night to complete the task.

4.12 At the end of September 2022, the team was recognised once again through the RSPCA's 'PawPrints' Awards. While the Service has maintained its 2021 gold and bronze 'PawPrints' standards in the categories of Stray Dog Provision and Kennelling respectively, it was particularly pleasing that this year the Service has achieved the gold standard for Animal-related Licensing for the first time, thereby improving on its silver standard performance in 2021.

2022 'Pawprints' awards

- Animal-related Licensing - Gold Award
- Stray Dog provision - Gold Award
- Kennelling - Bronze Award

It is also notable that SRS is the only service in Wales to achieve the gold standard in Animal Licensing this year.

4.13 Through its wider engagement with the RSPCA, the Council has become drawn to one particular campaign of the organisation, that of raising awareness of the outdated practice of live animals randomly being given out as prizes. The practice raises concerns as the individuals being given animals as prizes had not planned to become pet owners and as a result do not have the wherewithal, in the moment, to provide for the animal's welfare needs.

4.14 Between 2014 and 2020, 48 cases were reported to the RSPCA of live animals being given as prizes in Wales. While a large number of these were goldfish being given at fairgrounds, examples of other animals being given as prizes included dogs, ducklings and horses.

4.15 The RSPCA warns that animal ownership is a big responsibility, and one that should be planned, and well thought out. Animals often do not have their welfare needs met both prior to, during and after being given as a prize, as seen in the case of goldfish being given in plastic bags to members of the public who had no intention of becoming a goldfish owner, and as a result do not have the necessary equipment, food and expertise required for the animal's wellbeing.

4.16 Under the Animal Welfare Act 2006, it is an offence to give an animal as a prize to anyone under the age of 16, except within the family context. RSPCA Cymru believes that this does not go far enough and would like to see legislation introduced similar to that within the Animal Health and Welfare (Scotland) Act 2006, which states that it is an offence to give an animal as a prize, regardless of age, except within the family context.

4.17 Local authorities have the opportunity to ban the giving of live animals as prizes on Council owned land, ensuring the welfare of these animals is 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 is banned. It is the view of the RSPCA that the more Local Authorities that make this step, the greater the possibility of achieving an outright ban on the practice.

5. Effect upon policy framework and procedure rules

5.1 The report content has no direct effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

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 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications arising from the report.

9. Recommendations

Cabinet is requested to:

9.1 Note the work of Shared Regulatory Services to ensure that high standards of animal health and welfare are maintained across the county borough.

9.2 Note and support the RSPCA campaign to prohibit the practice of giving live animals away as prizes.

9.3 Approve the implementation of a ban on the giving of live animals as prizes on all Bridgend County Borough Council owned land.

Kelly Watson

CHIEF OFFICER - LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

11 October 2022

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Background documents:

None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

SHARED REGULATORY SERVICES ANNUAL REPORT 2021-22

1. Purpose of report

1.1 The purpose of this report is to provide Cabinet with the Shared Regulatory Services Annual Report for 2021-22 for noting.

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.

3. Background

3.1 In April 2015, Bridgend County Borough Council (BCBC), Cardiff Council and the Vale of Glamorgan Council signed a Joint Working Agreement (JWA) for the provision of regulatory services across the three Council areas. The JWA underpins the work of the Shared Regulatory Service (SRS) and the SRS Joint Committee.

3.2 The Cabinet Member for Wellbeing and Future Generations and the Chair of the Licensing Committee are the two Bridgend County Borough Council representatives on the SRS Joint Committee and they have oversight of the Service alongside their counterparts from the other two partner Councils.

3.3 In accordance with the Joint Working Agreement, the Shared Service is required to produce an Annual Report that covers the operational and financial performance of the service for the preceding year. In March 2017, the Council ratified the insertion of a new clause into the Agreement to enable each partner authority's Cabinet to receive the SRS Annual Report, for information purposes.

3.4 A copy of the report considered and approved by the SRS Joint Committee on 28th June 2022, which incorporates the SRS Annual Report 2021-2022, is attached as **Annex 1**.

3.5 The SRS Annual Report 2021-2022 reflects upon the seventh year of operation of the Shared Service. It outlines 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.

3.6 The management of key operational performance for Shared Regulatory Services in BCBC sits with the Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy. The Client lead works closely with finance, legal and other service areas to ensure that the delivery of services is to the required level and, where required, improvements are implemented.

4. Current situation/proposal

4.1 The key aspects of operational performance across the region from the Annual Report are as follows:

- Overall sickness absence levels for 2021-22 were **10.11 days per FTE person**. This represents an increase on the same measure for 2020-21 when the overall sickness absence rate stood at **6.32 days per FTE person**. It is likely that a number of factors contributed to the lower rate of absence seen in 2020-21 (e.g., social distancing, shielding and almost exclusively homeworking) and these points were set out in the Annual Report presented to the Joint Committee in June 2021. It is encouraging to note on closer examination however, that the number of short-term days lost has barely risen in 2021-2022 compared to 2020-21, and it is the number of days lost through long term absence that has impacted the overall rate for 2021-22 (the Service has had a number of cases of long term illness). The 2021-22 absence figures still compare favourably when viewed in the wider context of comparison against the average sickness rates across the partner Councils.

- The SRS reported an overall underspend of £363,000 against the 2021-22 gross revenue budget of £8.331m. This is attributable to a number of factors, but chief amongst these is the difficulty experienced in filling certain vacant positions across the Service and the continued secondment of multiple members of staff into COVID related roles (with some associated funding).

- Consequently, the Annual Report advises on the draft financial outturn position of the Service, and the resulting impact this has for each of the Partner Authorities, appertaining to the provisional outturn position in respect of the 2021-22 financial year. This position has subsequently been confirmed by Audit Wales in September 2022, following its annual audit of the SRS statement of accounts.

- Operational performance throughout 2021-22 has been reported both to the Joint Committee and to each partner Council through the legacy systems. Normally, performance is gauged against the targets set out in the SRS Business Plan.

Unfortunately, the on-going coronavirus response meant that a number of the targets and actions identified in the 2021-22 Plan were not achieved. While all the statutory documents were published on time, the service was unable to complete certain planned activities, due in large part to the continued secondment of key staff into COVID response roles. In anticipation of the Service now returning to much more of a 'business as usual' rhythm, a number of these planned activities were rolled forward into the current SRS Business Plan for 2022-23.

- The detail of performance against all the agreed performance indicators is set out in **Appendix 1** to the Annual Report. The continuing COVID 19 pandemic, associated restrictions and fast changing enforcement demands of the Coronavirus Restrictions Regulations meant that once again, the traditional inspection programme was badly impacted in 2021-22. Specifically in relation to the Food inspection programme, and recognising the significant pressure faced by local authorities (given the inevitable secondment of key members of staff over the last two years), the Food Standards Agency has implemented a four nations approach to recovering 'lost ground' through the Recovery Plan shown below.

FSA COVID-19 Local Authority Recovery Plan

- Further recognising that many of the traditional SRS performance metrics were impacted by coronavirus response work, an additional set of performance indicators was created during the pandemic. The infograph included as **Appendix 2** to the Annual Report provides a flavour of the broad range of COVID related enforcement and advice work carried out by SRS during 2021-22.

- The Shared Service may, through the relevant participative Council, prosecute breaches of legislation, particularly in respect of those who flout the law or who act irresponsibly, or where there is an immediate risk to health and safety. In the period, the service has been successful in challenging a range of unfair practices, many of which attracted media attention. The time and work required investigating these

matters, and the impact on officers' ability to carry out day to day work whilst these matters are ongoing, is significant.

- **Appendix 3** to the Annual Report sets out the successful prosecutions that concluded in court during the 2021-22 financial year.

4.2 The key operational implications for Bridgend County Borough Council are as follows:

Public Accountability Measures

- *PAM 023 – Food establishments - broadly compliant (%)*.

This measure provides an indication of how well a food business complies with food hygiene legislation. The food industry is responsible for producing and distributing safe food. The Shared Regulatory Service, as the enforcement agency, conducts inspections, ensuring that standards are met through a robust enforcement programme to deal with those who do not comply with standards. Additionally, the business support regimes introduced into the SRS structure play a part in promoting an increase in hygiene standards. Premises are deemed to be broadly compliant if specified risk scores are achieved for cleanliness, structural issues, and confidence in the management of the business. The proportion of premises in the County Borough that are broadly compliant with food hygiene requirements, i.e. scoring a 3* food hygiene rating or above, is above the UK average of 95%, and is consistent with that seen in previous years, i.e.

Percentage of food establishments in the County Borough 'broadly compliant'

Year	Percentage 'broadly compliant'
2021/22	97.38%
2020/21	97.24%
2019/20	97.49%

- *PAM 013 and PAM 045*

PAM 013 measures the *percentage of empty private properties brought back into use*, while PAM 045 measures *the number of new homes created as a result of bringing empty properties back into use*. These indicators have as their core purpose the aim of indicating the reduction in the number of empty properties as a consequence of action by the Councils. The current performance measure guidance sets out the categories of direct action that local authorities can take to bring a property back into use, including

  - Grants, loans or other financial assistance
  - Enforcement action including statutory notices, and

- Dialogue between the owner and the local authority where progress to restore the use of the property is evident.

Officers from the Shared Regulatory Service contribute a dedicated resource to bringing empty properties back into beneficial use within the county borough. During 2021-22 this included Officers responding to 245 new service requests from members of the public, empty property owners and others, requesting advice and support in relation to empty properties.

Considerable progress was achieved over the course of the year in respect of 17 longer term empty properties in the county borough. The owners of these properties have received assistance mainly using the 5-stage letter process and on occasions may have been subject to the service of an enforcement notice. This has resulted in properties being marketed for sale, in change of ownership, and in renovation works commencing. A total of 115 properties have now been risk assessed and action has been targeted in relation to the 'Top 20' properties for Bridgend. Of these, planning permission for renovation work has been obtained in respect of two, while a further six properties are subject to formal enforcement action and a grant application has been submitted in respect of another.

4.3 The SRS Business Plan is also aligned to the Council Corporate Plan and in 2021-22, some of the notable activities for the county borough included:

- *Working with landlords to return empty properties back into use helping to increase the availability of affordable housing for sale or rent in Bridgend and Cardiff*

  Officers from SRS in conjunction with Bridgend CBC aim to identify long-term vacant properties and encourage owners and landlords to bring their properties back into use through the provision of advice, support and encouragement. The process entails sending a series of letters to the owners to encourage them to take positive steps to bring the property back into occupation. Owners are provided with '*A property owners guide to empty homes'* brochure which outlines the options available and the services on offer. Where there is a threat to public health and/ or a lack of cooperation from the owners, consideration will be given to the use of enforcement action to improve the condition of the empty property and secure its occupation. The service offers empty property owners the opportunity to access the following services:

  - Financial assistance in the form of grants and loans
  - The provision of information to access a VAT reduction on renovation costs
  - The provision of information and advice on how to sell or rent the property including legal requirements
  - Access to potential developers in the area seeking to purchase empty properties to renovate or re-develop
  - Access to housing associations who have the potential to acquire or assist with leasing long term vacant properties.

- *Air Quality*

During the year, SRS ensured that Bridgend County Borough Council met its statutory obligation under the Environment Act by producing the 2021 Air Quality Annual Progress Report (APR) which was considered by Cabinet in November 2021.

The 2021 APR highlighted continued non-compliance of the annual average air quality objective for nitrogen dioxide (NO_2) at a number of locations within the Park Street Air Quality Management Area (AQMA). Work has continued in terms of assessing measures outlined in the Draft Air Quality Action Plan (AQAP) to pursue mitigation that will manage and improve traffic flows through the Park Street AQMA in order to reduce NO_2 concentrations in line with air quality objectives. In March 2022, Cabinet was presented with the preliminary results of the assessment of the key options for Park Street. The modelling results indicate that NO_2 concentrations at the majority of locations will achieve compliance with the annual average air quality objective for NO_2 of 40 $\mu g/m^3$ by the end of 2023, including all currently monitored locations within the AQMA. A public consultation on the updated AQAP is currently underway to help finalise the Action Plan which will then be reported to Cabinet for approval prior to submission to Welsh Government.

- *Prosecutions*

Officers will always seek to advise and guide businesses to achieve compliance, however there are occasions where unfortunately, the only appropriate outcome to an investigation is prosecution. The summaries below provide examples of prosecution cases arising in the county borough and which concluded in court the 2021-22 financial year.

Case 1

The defendant in this rogue trader case pleaded guilty to eleven charges under the Fraud Act 2006 and ten further charges under the Consumer Protection from Unfair Trading Regulations 2008. The case involved multiple victims who had lost a significant amount of money for building work not completed or in some cases work that was never started.

Customers had been taken in by the defendant's 'professional looking' business Facebook page. They were told to pay the defendant an upfront deposit to 'secure a slot' for the work to be done, thereby creating the impression that he was in demand. Attendance of the defendant at the residents' homes was sporadic, and he would often say that he had to leave a property as he was having to collect materials or to deal with a family emergency. When victims had had enough of the excuses and contacted the defendant for a refund, he would often become aggressive and abusive. Victim impact statements provided by victims were read out to the court, explaining how dealing with the defendant had impacted their lives.

On sentencing the defendant to 16 months in prison, the Judge described him as being calculated, manipulative and sometimes aggressive. He had been paid to complete work that at best, was substandard or faulty but mostly that money had

been taken and no work done at all. He had defrauded unconnected people including single mothers, NHS workers and a widow, causing a loss of approximately £50,000. These people had not just lost money to him but then had had to pay more money to get the work rectified or completed. The defendant had screamed at a single mother taunting her that 'he would burn her money in her face' and had made a malicious and false complaint about a member of the police force hoping that this would deter her from continuing her complaint with Trading Standards. He has not repaid any of the victims and as a direct result of his actions, people were left in debt, lost money they had inherited, or which they had taken from their pension funds.

Case 2

This case followed a visit by Shared Regulatory Services to a take-away food business. The officers' inspection identified a number of food hygiene failings including

- failure to ensure the premises were kept clean
- failure to implement and maintain procedures based on Hazard Analysis and Critical Control Point (HACCP) principles
- failure to provide sufficient washbasins and
- failure to ensure that food, cooking utensils and raw materials were kept clean to avoid cross contamination.

The defendant subsequently pleaded guilty to 8 offences under the Food Hygiene (Wales) Regulations 2006. In sentencing, the Magistrates confirmed that they gave the defendant full credit for the early guilty plea and accepted that the premises had since been improved. However, they were clear that these were very serious incidents and presented a serious risk to people's lives and health. The defendant was fined a total of £1,760 and ordered to pay costs of £1,100 as well as a victim surcharge of £176.

Case 3

In March 2020, officers visited the defendant's mobile food vehicle to carry out a food hygiene inspection. Following the inspection, the defendant's food business was issued with a food hygiene rating of 1, indicating that improvement was necessary. On a return visit in May 2020, officers discovered that the defendant had failed to display the food hygiene rating of 1 and was in fact displaying an invalid food hygiene rating of 3. The defendant was given the opportunity to discharge his liability for the offence by being offered a fixed penalty notice, but he declined.

The defendant failed to attend court for the trial so the case was proved in his absence, with him being found guilty of both offences under the Food Hygiene Rating (Wales) Act 2013. He was fined £400 for failing to display the correct Food Hygiene rating of 1 and a further £500 fine was imposed for displaying the invalid Food

Hygiene rating of 3. He was also ordered to pay costs of £650 and a victim surcharge of £90.

5. Effect upon policy framework and procedure rules

5.1 The report content has no direct effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

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.

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

7.1 The SRS Annual report illustrates how the Council's regulatory function contributes to the national Well-being Goals through the delivery of the well-being objectives contained in the SRS Business Plan (the 2022-23 Business Plan is attached for information as **Annex 2**) . The SRS operates in accordance with the five ways of working which are also reflected in the content of the plan. There is a strong emphasis on collaboration as the SRS recognises the need to work with partners to deliver services and improve local well-being.

7.2 The Annual report reflects the importance of prevention and this has been a strong theme in much of the activities to date, but also recognises that many of the issues are longer term matters, e.g. deprivation, climate change, an ageing population and physical and mental well-being. The involvement of partners and stakeholders in the development and delivery of the SRS functions is critical to its success as is the need to work in a more integrated way, recognising the connections across Council services and with other partners.

8. Financial implications

8.1 There are no financial implications arising from the report.

9. Recommendations

Cabinet is requested to:

9.1 Note the Shared Regulatory Services Annual Report for 2021-22

Kelly Watson

CHIEF OFFICER - LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

11 October 2022

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Background documents:

None

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Meeting of:	**Shared Regulatory Services Joint Committee**
Date of Meeting:	**Tuesday, 28 June 2022**
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Shared Regulatory Services Annual Report
Purpose of Report:	To advise members on the performance and financial position of the Shared Regulatory Service for the 2021/22 financial year.
Report Owner:	Head of Shared Regulatory Services Head of Finance, Vale of Glamorgan Council
Responsible Officer:	Director of Environment and Housing
Elected Member and Officer Consultation:	Advice has been sought from the partner Councils
Policy Framework:	This is a matter for the Shared Regulatory Services Joint Committee

Executive Summary:

- The Shared Regulatory Service (SRS) is a collaboration between Bridgend County Borough Council, the County Council of the City and County of Cardiff and the Vale of Glamorgan Council that commenced on the 1st May 2015, and is charged with the provision of Regulatory Services across the three Authorities.
- The Joint Working Agreement requires the Head of SRS and the Head of Finance to produce an Annual Report which, once approved by the Committee, is forwarded to the partner Councils.
- The report illustrates that the traditional reporting regimes and delivery of some statutory duties have been impacted significantly by the coronavirus pandemic over the course of 2021/22.
- The £8.331m 2021/22 gross revenue budget was agreed by the Joint Committee on the 8th December 2020 which included an assumed 2.75% pay increase which was partially offset by a 1.9% reduction in the employer's superannuation contribution rate. No further savings were incorporated in the 2021/22 budget.
- As a result of the Covid-19 pandemic, the 2021/22 revenue position remained challenging throughout the year, with sustained pressure on the service both operationally and financially.

The cost of the increased draw on services was mitigated by additional funding being provided by Welsh Government (WG).

- In 2021/22, £488k was claimed from WG against the Covid-19 Hardship Grant which funds the additional activities undertaken within the Covid Compliance and three Enforcement teams that cover the SRS region. In addition, £616k has been recharged to the Bridgend and Cardiff Councils in respect of the Service's support of the Test, Trace and Protect provision. A further £12k has been claimed against the WG Income Loss Grant during 2021/22.
- As at the 31st March 2022, Shared Regulatory Service has achieved an unaudited outturn underspend of £363k against the 2021/22 £8.331m gross revenue budget. This position includes consideration for a special reserve of £148k being created to fund the replacement of ageing vehicles plus the acquisition of operational equipment to support the operational activities plus safeguarding staff wellbeing whilst on operations
- The Draft Shared Regulatory Services Statement of Accounts 2021/22 is presented to Committee, to be signed by both the Chair of the Committee and the Section 151 Officer as Treasurer of the Committee, and to formally invite Welsh Audit Office to commence their audit of the account.

Recommendation

1. That the Joint Committee approves the report, including the Draft Statement of Acccounts, and authorises the Chief Executive, Vale of Glamorgan Council, to forward a copy of the report to the Heads of Paid Service for the other partner Councils.

Reasons for Recommendation

1. To meet the requirements set out in Clause 5.1 of the Joint Working Agreement.

Background

1.1 Under the Joint Working Agreement, the Shared Regulatory Service (SRS) is required to produce an annual report that covers the operational and financial performance of the service for the preceding year. Clause 5 of the Joint Working Agreement states:

"The Joint Committee shall receive in each year at its annual meeting which shall be held no later than 30th June the report of the Head of Regulatory Services and the Lead Financial Officer in respect of the functions delegated to the Joint Committee relating to the twelve months ending 31st March of that year and a copy thereof shall be forwarded to the Chief Executive of each Participant.

1.2 The report shall include:-

(i) A statement showing the performance of the Regulatory Service Functions and progress in achieving the Objectives and delivering the Business Plan.

(ii) a summary revenue account and statement of capital spending including the distribution or use of any revenue surpluses and the financing of any capital expenditure"

1.3 This is the seventh report produced under this requirement and covers the period 1st April 2021 to 31st March 2022. If the content of this report is agreed, a copy of the report must be sent to the Head of Paid Service of each of the three Councils along with the SRS Business Plan for 2022/23. This annual report outlines many of the actions undertaken at each partner Council to deliver the wide range of statutory functions assigned to the Service. The report provides a review of operations across the service, a summary of the financial position, and outlines performance against the 2021/22 service objectives.

Operating the Shared Regulatory Service

1.4 The Shared Regulatory Service (SRS) operates across Bridgend, Cardiff and the Vale of Glamorgan. Through a collaborative model, it delivers a range of statutory services, that are critical to maintaining the health, safety and economic wellbeing of local communities. The operating model delivers an integrated service for the Trading Standards, Environmental Health, and Licensing functions, which has three service delivery sectors focusing upon the customer rather than the traditional professional delivery model.

- Neighbourhood Services: activities relating to residential premises or having an impact on the local community.
- Commercial Services: activities relating to business premises (generally where national standards apply).
- Enterprise and Specialist Services: specialist areas of work and income generating services.

1.5 As a regional organisation, providing regulatory services across three local authority areas, the SRS seeks to place the corporate priorities and stated outcomes of the three councils at the heart of all its activities. Using them as a focus, the strategic priorities for the Shared Regulatory Service of

- Safeguarding the Vulnerable
- Improving Health and wellbeing
- Protecting the Environment
- Supporting the local economy
- Maximising the use of resources

provide a robust base for achieving the outcomes identified in previous business plans and the partner Councils' corporate aspirations. However, over the course of 2021-22, the planned work of the Service was impacted once again by the coronavirus pandemic and the emergence of new variants of the virus. This resulted in SRS

continuing to support the Test, Trace, and Protect (TTP) Service across the three Council areas through engagement with high risk settings as well as with the general public; and also in its COVID compliance work to ensure that businesses continued to comply with COVID safety requirements.

1.6 The Joint Working Agreement, executed in April 2015, and updated in July 2017, underpins the entire service provision. The JWA contains a number of "milestones and requirements". In accordance with those requirements:

- The Wales Audit Office completed an independent financial audit of the service in September 2021; there were no recommendations for improvement.

- The Joint Committee approved the proposed Shared Regulatory Services budget for the 2022/23 period at its December 2021 meeting. The aggregate budget for the service remained at £8.331m, as a result of £134k of service savings being offset by £134k salary costs attributable to the national pay award.

- The Business Plan for 2022/23 is presented for political approval in papers to the June 2022 Joint Committee meeting.

- The Joint Committee will receive an audited statement of accounts for 2021/22 in September 2022.

2. Key Issues for Consideration

2.1 The 2020/21 Annual Report illustrated that the SRS had delivered the requisite financial savings and delivered the majority of the business plan actions. The Key Milestones set for 2021/22 were:

- *Delivery of the SRS Business Plan 2021-2022 and the associated corporate priorities assigned to the SRS by the partner councils*

- *To support the partner councils and other agencies to manage the impact of Covid-19*

- *To monitor the implementation of new legislation and any requirements imposed by such legislation upon the Service.*

- *To review the impact of the coronavirus on service delivery mechanisms and the achievement of targets against the established performance metrics.*

2.2 At the time of writing the SRS Business Plan for 2021/22, there was a sense of optimism that the worst of the COVID-19 pandemic was behind us given the continued roll out of the vaccination programmes and falling infection rates. Nevertheless, the Business Plan was sufficiently realistic to recognise the impact of the COVID response on service delivery to that point in time and the need to keep an open mind on the future direction of the disease. Apprehension about the emergence of new

coronavirus variants of concern was borne out with the appearance of the highly infectious Omicron variant in the autumn of 2021, meaning that many key members of SRS staff remained in their secondment roles supporting the various strands of the COVID response until the final lifting of the majority of Welsh Government controls in March 2022.

Human Resources

2.3 The on-going pandemic meant that multiple officers across SRS continued in secondment roles during 2021/22. These roles supported the public health initiatives, including the TTP service, enhanced surveillance in relation to care homes and schools, investigation of workplace clusters and monitoring public health measures in the workplace. Our three Joint Enforcement Teams continued in place over the course of the year, working closely with local businesses to ensure compliance with the various levels of COVID restriction. Since September 2020, a total of 29 Environmental Health students have been recruited into the service on a temporary basis to support these areas of work. They have performed incredibly well in challenging circumstances, and it is pleasing to see that as they graduate, a number of them have been successful in being appointed into permanent roles in the SRS. It is hoped that this trend will continue as more graduate in the months ahead.

2.4 Unfortunately, recruitment into certain roles remains problematic, and as in previous years, vacancies have arisen in the structure. While there is no single identifiable cause of staff leaving their roles, some of the reasons given by leavers include the desire to work closer to home, re-evaluation of the work and family life balance, and the attraction of higher levels of pay in the private sector.

2.5 Recently, the Directors of Public Protection Wales group presented its '*Building for the Future*' paper to Welsh Government. The paper explains the extent of the Wales-wide regulatory services recruitment crisis as well as the impacts it is having, particularly post-pandemic. The paper makes a number of recommendations for additional investment, as well as specific support to encourage young people to enter pathways into the Environmental Health and Trading Standards disciplines, both of which are currently represented by an ageing demographic. There is a pressing need for SRS to build upon these recommendations, and develop a new recruitment and retention strategy during 2022/23 to identify solutions for the medium and long term. A crucial part of this work will be a staff consultation and the creation of a working group to ensure that input is as broad as possible and that all options are considered.

2.6 The year saw a number of SRS staff beginning, continuing and completing further study, and in the coming year, additional opportunities will be identified and uptake encouraged through the performance review process.

2.7 Overall sickness absence levels for 2021/22 were **10.11 days per FTE person**. This represents an increase on the same measure for 2020/21 when the overall sickness

absence rate stood at **6.32 days per FTE person**. It is likely that a number of factors contributed to the lower rate of absence seen in 2020/21 (e.g., social distancing, shielding and almost exclusively homeworking) and these points were set out in the Annual Report presented to the Joint Committee in June 2021. It is encouraging to note on closer examination however, that the number of short-term days lost has barely risen in 2021/2022 compared to 2020/21, and it is the number of days lost through long term absence that has impacted the overall rate for 2021/22 (the Service has had a number of cases of long term illness). **Figure 1** below provides some context enabling comparison with the pre-pandemic levels of absence seen in 2019/20.

Figure 1: 2021/22 sickness absence figures compared to those for previous years

Year	Short term days lost per FTE	Long term days lost per FTE	Total days lost per FTE
2021/22	1.95	8.16	10.11
2020/21	1.68	4.64	6.32
2019/20	3.04	7.19	10.23

The 2021/22 absence figures compare favourably when viewed in the wider context of comparison against the average sickness rates across the partner Councils.

Operational Performance

2.8 Operational performance throughout 2021/22 has been reported both to the Joint Committee and to each partner Council through the legacy systems. Normally, performance is gauged against the targets set out in the Business Plan. Unfortunately, the on-going coronavirus response meant that a number of the targets and actions identified in the 2021/22 Plan were not achieved. While all the statutory documents were published on time, the service was unable to complete certain planned activities, due in large part to the continued secondment of key staff into COVID response roles. In anticipation of the Service now returning to much more of a 'business as usual' rhythm, a number of these planned activities are being rolled forward into the new Business Plan for 2022/23. The following paragraphs reference the key performance criteria, and thereafter there is some commentary on the activities undertaken during 2021/22 to control and reduce the spread of the coronavirus.

2.9 The Shared Regulatory Service has a role in delivering on Public Accountability Measures in respect of food establishments (PAM 023) for all three partner Councils, and also for empty homes (PAM 013 and PAM 045) for Cardiff and Bridgend.

- **PAM 023**: **Food establishments - broadly compliant (%)**

This measure provides an indication of how well a food business complies with food hygiene legislation. The food industry is responsible for producing and distributing safe food. The Shared Regulatory Service, as the enforcement agency, conducts inspections, ensuring that standards are met through a robust enforcement programme to deal with those who do not comply with standards. Additionally, the business support and advice regimes introduced into the SRS structure play a part in promoting an increase in hygiene standards, examples of that are set out under the priority heading supporting the local economy. Premises are deemed to be broadly compliant if specified risk scores are achieved for cleanliness, structural issues, and confidence in the management of the business.

The proportion of premises that are broadly compliant with food hygiene requirements, i.e., scoring a 3* food hygiene rating or above, is in line with the UK average of 95%, and is consistent with that seen in previous years for each of the local authority areas, as shown in **Figure 2** below i.e.

Figure 2: Percentage of food establishments 'broadly compliant'

Year	Bridgend	Cardiff	Vale of Glamorgan
2021/22	97.38%	95.74%	97.25%
2020/21	97.24%	95.41%	97.53%
2019/20	97.49%	94.84%	97.37%

It is important to note that the 2021/22 figures, as for those seen in 2020/21, come with something of a caveat in that it will take some for the definitive picture to emerge, post COVID restrictions. The significant turnover of food businesses has continued, and there were over 900 new food businesses due for inspection across the region in 2021/22. Many of these new entrants to the market do not immediately attract a broadly compliant rating and this may have a bearing, in time, on the overall broadly compliant score. In addition, a focus upon new businesses will have an inevitable impact upon the traditional risk assessed food inspection programme.

- **PAM 013 and PAM 045**

PAM 013 measures the *percentage of empty private properties brought back into use*, while PAM 045 measures *the number of new homes created as a result of bringing empty properties back into use*. These indicators have as their core purpose the aim of indicating the reduction in the number of empty properties as a consequence of action by the Councils. The current performance measure guidance sets out the categories

of direct action that local authorities can take to bring a property back into use, including

- Grants, loans or other financial assistance
- Enforcement action including statutory notices, and
- Dialogue between the owner and the local authority where progress to restore the use of the property is evident.

Officers from the Shared Regulatory Service contribute a dedicated resource to bringing empty properties back into beneficial use within Cardiff and Bridgend.

In **Bridgend**, SRS responded to 245 new service requests from members of the public, empty property owners and others, requesting advice and support in relation to empty properties. Considerable progress has been achieved over the course of the year in respect of 17 longer term empty properties. The owners of these properties have received assistance mainly using the 5-stage letter process and on occasions may have been subject to the service of an enforcement notice. This has resulted in properties being marketed for sale, in change of ownership, and in renovation works commencing. A total of 115 properties have now been risk assessed and action has been targeted in relation to the 'Top 20' properties for Bridgend. Of these, planning permission for renovation work has been obtained in respect of two, six properties are subject to formal enforcement action and a grant application has been submitted in respect of one.

In **Cardiff,** SRS presented a new Private Sector Empty Homes Policy 2021-2024 to Cardiff Council's Cabinet, which was adopted. The increased profile of this work due to the adoption of the Policy has enabled the Service to employ two empty homes officers for a further two years. An empty homes working group has been established and is proving useful in shaping corporate working to maximise performance in this context. An action plan has been submitted to Welsh Government which will allow the drawing down of funding to underwrite losses made in any subsequent activity taken against the worst derelict, long term empty City Centre properties. In total, 84 properties were returned to use or new units created as a result of empty homes work in Cardiff during the last year.

2.10 The detail of performance against all the agreed performance indicators is set out in **Appendix 1.** The continuing COVID 19 pandemic, associated restrictions and fast changing enforcement demands of the Coronavirus Restrictions Regulations meant that once again, our traditional inspection programme was badly impacted in 2021/22. Specifically in relation to the Food inspection programme, and recognising the significant pressure faced by local authorities (given the inevitable secondment of key members of staff over the last two years) the Food Standards Agency has implemented a four nations approach through the Recovery Plan shown in **Figure 3** below.

Figure 3: FSA COVID-19 Local Authority Recovery Plan

2.11 The expectation that all Category A rated establishments for Food Hygiene will have received an on site inspection by March 2022 has been achieved by the Service, as has the prioritisation of new businesses for intervention, based on risk. Further detail on the Food Standards Agency Recovery Plan for food interventions is provided in 2.27 below

2.12 Further recognising that many of our traditional performance metrics have been impacted by coronavirus response work, an additional set of performance indicators has been created during the pandemic. The purpose of the infograph included at **Appendix 2**, is to give elected members a flavour of the broad range of COVID related enforcement and advice work carried out by SRS.

2.13 The SRS may, through the relevant participant Council, prosecute breaches of legislation, particularly in respect of those who flout the law or who act irresponsibly, or where there is an immediate risk to health and safety. In the period, the service has been successful in challenging a range of unfair practices, many of which attracted media attention. The time and work required to investigate these matters, and the consequences this has on officers' ability to carry out day to day work whilst these matters are ongoing, is significant. The details of all the prosecutions that concluded in the period 1st April 2021 to 31st March 2022 are set out in **Appendix 3.**

2.14 The SRS has continued to support relevant corporate challenges at each Council. In addition to the coronavirus response sustained throughout the 2021/22 financial year, the Shared Service has brought its expertise to the table to support other significant challenges during the same time frame. Thus SRS Officers have been conducting checks on the suitability of accommodation offered by residents of the three local authorities through the Homes for Ukraine scheme. Other examples of providing corporate support include officers playing a key role in assisting the Councils to deal

with the requirements to improve air quality, as well as dealing with the emergence of avian influenza in the wild bird population at a number of park and leisure locations.

2.15 Under the Gambling Act 2005, every Licensing Authority has to publish a Statement of Licensing Policy which sets out the principles that it proposes to apply in exercising its functions under the Act. An amended Policy has been taken through each of the Licensing Committees, and these reflect changes in legislation and in guidance from the Gambling Commission.

Significant Service achievements

2.16 Paragraph 1.5 above highlights the priority themes for Shared Regulatory Services, and a range of achievements over the course of 2021/22 demonstrate progress toward delivering the outcomes associated with these priorities. The 2022-23 SRS Business Plan reviews these achievements in some detail, while the sections below provide just some examples of the work carried out in the last financial year.

Improving Health and Wellbeing

2.17 Improving health and wellbeing is a key priority for Shared Regulatory Services. Work undertaken to ensure that food is safe, that infectious disease, noise, and air emissions are controlled, that risks in the workplace are managed properly, allows people to live in healthy environments. Add to this our activities to ensure the quality of private rented property, the promotion of a safe trading environment and our regulation of licensed premises to ensure they operate responsibly, and it is evident that the work undertaken by SRS is hugely important to the health and wellbeing of the region.

COVID 19 related work

2.18 Our role in improving health and wellbeing was of course dominated in 2021/22 by the coronavirus response. In May 2021, the Welsh Government began to relax some of the Coronavirus restrictions that had been in place since Christmas 2020. Wales moved from Alert Level 4 to Alert Level 2 in a phased approach to reopening the economy and allowing more social interaction between households. This gradual lifting of restrictions reflected the fact that the virus was still in general circulation, but the vaccine programme was beginning to have an impact. There was a clear reduction in the number of people becoming severely unwell and the infection rate generally was beginning to fall. However, all this was being done at a time when the impact of the new Delta strain of the virus was uncertain.

2.19 May 2021 also saw the introduction of *"test events"* at Cardiff Castle and other venues across Wales. These gatherings were sanctioned on the understanding that the organisers and public health authorities would develop safe processes that would

enable larger events to take place as restrictions were relaxed further. The events were held successfully, and no significant incidence of coronavirus was associated with them.

2.20 Later in May 2021, international travel resumed for *essential purposes* under a traffic light system. People returning from countries classified as red or amber needed to follow isolation and testing rules. Unfortunately, the guidance outlining what constituted an *essential purpose* was not particularly robust and many people travelled to amber and red list countries, particularly India. This brought additional work for the TTP service and the SRS/Police JET teams who were tasked with ensuring that returning travellers followed the isolation requirements. Many did, but a small number did not, and Cardiff in particular saw an early introduction of the Delta variant.

2.21 The summer of 2021 saw a phased move to Alert Level 1, which allowed more people to meet outdoors, more events took place, more retail outlets opened and as a result of the vaccine rollout, a relaxation of the controls on socialising indoors. Alert Level 0 followed, meaning that any number of people could meet indoors, including in private homes, public places or at events. All businesses and premises could open, with face coverings remaining a legal requirement indoors in healthcare settings and in commercial premises (other than hospitality premises). Welsh Government continued to advise working from home wherever possible. Fully vaccinated adults, under 18s and vaccine trial participants were exempted from self-isolation if they were a close contact of someone with coronavirus.

2.22 Unfortunately, by the autumn of 2021, infection rates began to rise and Welsh Government began a programme of advice and encouragement, urging people to continue to take precautions to protect themselves and others. Welsh Government introduced new restrictions for nightclubs and larger events, and the NHS COVID pass was launched as a pre-requisite for attending certain venue types and sporting fixtures, with this later being extended to include cinemas, theatres and concert halls.

2.23 Around this time, the updated Welsh Government coronavirus control plan set out two planning scenarios for the winter of 2021. In the first – 'Covid Stable' - Wales would remain at Alert Level 0 with all businesses able to open. The second scenario – 'Covid Urgent' - was designed to deal with any sudden changes in the situation, such as the emergence of a new, fast-spreading variants or vaccine immunity levels falling, with the risk of increased pressures on the NHS.

2.24 The emergence of the Omicron variant in November 2021 resulted in a significant increase in case numbers, but with the success of the vaccination programme by that time, it became evident that there was a reduction in symptomatic illness, severe disease, hospitalisation and mortality.

2.25 Throughout 2021/22, SRS played a central role in supporting TTP and in delivering the wider enforcement regimes that underpinned the Public Health (Coronavirus Restrictions) (Wales) Regulations. Early 2022 saw the start of a transition where the focus of this work would move away from breaking chains of transmission in the whole

population, toward a programme that protects the most vulnerable in society. On 4th March 2022, Welsh Government published its transition plan in which a stepped 'return to normal' approach was set out. While this transition to the long-term steady state phase concludes at the end of June 2022, partners in the public health network commit to maintaining a capacity to respond to any future local outbreaks and to prepare for a resurgence of the virus. Working with partners, SRS now has the necessary arrangements in place to retain the required skill sets within the service for the duration of 2022/23.

2.26 The preceding paragraphs provide a snapshot of the coronavirus related work undertaken by the service in the last 12 months. The commitment of officers has been incredible, both those working directly on the COVID response and those maintaining, as far as possible, our 'business as usual' work. The following paragraphs highlight just a few examples of this.

Food Standards Agency / Local Authority recovery plan for food interventions

2.27 As outlined in paragraph 2.10 above, the Shared Service has been working to the Food Standards Agency COVID-19 Local Authority Recovery Plan which applies across the four nations. Covering the 2021/22 and 2022/23 financial years, the aim of the Recovery Plan is to ensure that during the period of recovery from the impact of COVID-19, local authority resources are targeted where they add greatest value in providing safeguards for public health and consumer protection in relation to food. It also aims to safeguard the integrity of the Food Hygiene Rating Scheme (FHRS). The plan provides a route map for re-starting the delivery system in line with the Food Law Codes of Practice for both new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for the inspection of lower risk establishments.

2.28 SRS has been following the recovery plan to lead its food business inspection priorities alongside a number of essential interventions, namely

- Reactive work including enforcement in the case of non-compliance
- Managing food incidents and food hazards
- Investigating and managing food complaints
- Sampling, and
- Ongoing proactive surveillance.

Building Safety

2.29 Following publication of the Building Safety White Paper, a Welsh Government priority remains the establishment of the Joint Inspection Team (JIT), hosted by the WLGA. This remains a work in progress and SRS continues to have a presence on the Steering Group which has been charged with appointing the members of the JIT. It is anticipated that appointments will take place this year to enable a work programme

to be drawn up in consultation with all Welsh local authorities and Welsh Government. We will work with the JIT to understand the scale of the issues in high rise buildings in the Authorities that we serve and working in conjunction with Welsh Government prioritise any remediation work to ensure the health and safety of the occupants.

2.30 In addition to the above, SRS is represented on the Leaseholder Task and Finish Group which is examining options to help support leaseholders who find themselves in significant financial hardship. Welsh Government is considering options to introduce a scheme to target provision where it is most needed, i.e., those buildings with identified defects where individual leaseholders cannot sell their properties on the open market and find themselves in considerable difficulty due to escalating costs.

Safeguarding the Vulnerable

2.31 SRS contributes toward the safeguarding agendas of the partner Councils by seeking to ensure that children are protected from harmful substances and products, that older and vulnerable people are protected from unscrupulous individuals and traders, that illegal money lending activities across Wales are challenged robustly, and that the public feel safe when using taxis as public transport.

2.32 During 2021 /2022, a number of significant rogue builder or doorstep crime prosecution cases concluded in court. Sitting behind each of these cases is a story of residents being defrauded of large sums of money, often their life savings. The cases show a pattern of little, or no, work being done, and where work has been carried out, it will have been to a very poor standard. The legacy of COVID-related delays in the court process meant that fewer cases of this type than normal, finally concluded in court. Nevertheless, the impact of the six concluded cases in this category is significant, i.e.

- A combined total of nearly *10 years* in custodial sentences
- A 12-month Community Order
- Compensation of £3080 for some of those affected
- A number of Proceeds of Crime investigations from which it is hoped compensation for the victims will be forthcoming.

2.33 The work of the Wales Illegal Money Lending Unit (WIMLU) in bringing loan sharks to justice has benefitted local communities through the allocation of monies obtained by virtue of the Proceeds of Crime Act (POCA). Over the years, a range of innovative projects and initiatives have been launched with a number of these resulting in a tangible outcome such as community fun days, a school music project and the children's story book '*A Fistful of Feathers*'. Continuing this theme of securing benefits from the 'ill-gotten gains' of loan sharks, a new initiative to encourage responsible borrowing from Credit Unions has been piloted. Known as the 'Near Miss' scheme, the WIMLU worked with the Cambrian Credit Union to identify individuals who narrowly

missed out on satisfying the borrowing criteria of the Credit Union, and used a sum of POCA monies to enable them to take out small, underwritten loans. The pilot proved to be very successful, resulting in 28 loans being issued with only 2 defaults, and Credit Union staff reported that the pilot enabled them 'to think differently about loan decisions…and take a more calculated risk'.

Crucially, all the 'Near Miss' borrowers started savings accounts as a result of their inclusion in the scheme, and some were able to go onto borrow further monies in the safe setting of the Credit Union.

2.34 Across the Shared Service, our Licensing teams have adopted the NR3 database, which is part of the National Anti-Fraud Network. This is a database of all hackney carriage / private hire drivers whose licence has been revoked or refused (if a new applicant). This development has been part of a national commitment for Licensing Authorities to use the database to ensure that those who have had their licence revoked by one authority are not able to slip through the net and become licensed in another local authority area.

Protecting the Environment

2.35 Protecting the environment is a core strategic priority of SRS. Many of the activities such as water sampling, monitoring air quality, and remediating contaminated land contribute toward promoting a better environment. This in turn means better long term prospects for the health and wellbeing of our communities. The SRS has a key role to play in ensuring society makes best use of existing resources and bringing back redundant/derelict properties into use is an important contributor to both the environment and local community development. SRS has a key role to play in the wider climate change and future generations agendas through its enforcement role on energy efficiency controls in respect of properties and consumer products. The impact of these activities is less apparent in the short term for communities, but has an important role for future generations. In the more immediate term, SRS ensures communities are protected from nuisance and are safer, by investigating noise complaints, and dealing with stray dogs and other animals.

Animal Welfare

2.36 In recent years, there has been a huge increase in demand for pet dogs, particularly the most desirable breeds, and this was only exacerbated during the coronavirus pandemic as families sought 'lockdown buddies'. Huge demand drives huge prices with recent research suggesting that the average going rate for a Labradoodle puppy is now in excess of £1,300, while a French Bulldog costs in excess of £1,700, and an American Bully puppy goes on average for around £2,300. Perhaps it is no surprise that this is an industry that has attracted a rogue element, keen to make quick profits, with little thought for animal welfare, and in an environment where they perceive

there to be a low risk of being caught and punished. This is the world of the unlicensed, illegal dog breeder.

2.37 Over the course of the year, SRS has received an unprecedented volume of complaints and enquiries about unlicensed dog breeding. As a service, we are determined to take a firm line against illegal breeding to protect not only unsuspecting purchasers, but to safeguard the welfare of dogs and their puppies, and at the same time create a 'level playing field' for legitimate, properly licensed breeders. The following major investigations into illegal dog breeding that concluded during 2021/22, illustrate the gravity and extent of the problem.

2.38 In the first of these cases, a complaint was received about sales of American bully puppies via Facebook. After some investigation, a warrant was executed at the individual's property where 5 breeding bitches and 3 male dogs were found, as well as 8 puppies. All but two of the puppies had recently had their ears cropped, a practice classed as animal mutilation and prohibited by the Animal Welfare Act. During the course of the investigation the scale of the defendant's illegal trading was established with the finding that he had registered 67 dogs at one local veterinary practice alone. The defendant was sentenced to a total of 16 weeks in custody with immediate effect, fined £1200 and ordered to pay costs of £9775. He was also banned from keeping animals for a period of 8 years, with no right to apply for this ban to be revoked for a period of 5 years. In addition, an order was made to deprive the offender of the 8 puppies and 8 adult dogs found at the property.

2.39 In the second of the major illegal dog breeding cases concluded during 2021/22, a couple were convicted of breeding dogs without a licence and for multiple animal welfare offences related to the number of litters produced within a short period. The investigation showed that breeding bitches were not given enough time to recover after giving birth to one litter, before being artificially inseminated to produce the next. A warrant executed at the couple's home found 28 dogs in an outbuilding, a laboratory with equipment including a multipurpose centrifuge machine, microscopes, equipment for storing and collecting semen, and for taking blood. A further 30 dogs were discovered at two other properties. Investigations found that the couple bred at least 67 litters between 2014 and 2020 with information on known C-sections indicating that 43 litters had been delivered between 2018 and 2019. One dog had delivered 6 litters within a 4 year period while numerous others were forced to deliver 2 litters in less than a 12 month period. The dogs were registered with 5 different veterinary practices and litters given different names and addresses to avoid detection. The couple were fined a total of £19,000 each, ordered to pay prosecution costs of £43,775.50 and a victim surcharge of £175 each. They were also told to repay a total of £372,531.54 within 3 months in a Proceeds of Crime hearing, or face a 2 year prison sentence.

Air Quality

2.40 During 2021/22, SRS ensured that Bridgend, Cardiff and the Vale of Glamorgan Councils met their statutory duties under part 4 of the Environment Act 1995 by producing the 2021 Annual Progress Report (APR) for each area, and reporting these to the respective Cabinets.

2.41 In **Bridgend**, the 2021 APR highlighted continued non-compliance of the annual average air quality objective for nitrogen dioxide (NO_2) at a number of locations within the Park Street AQMA. Work has continued in terms of assessing measures outlined in the Draft Air Quality Action Plan (AQAP) to pursue mitigation that will manage and improve traffic flows through the Park Street AQMA in order to reduce NO_2 concentrations in line with air quality objectives. In March 2022, Cabinet was presented with the preliminary results of the assessment of the key options for Park Street. The modelling results indicate that NO_2 concentrations at the majority of locations will achieve compliance with the annual average air quality objective for NO_2 of 40 µg/m^3 by the end of 2023, including all currently monitored locations within the AQMA. A public consultation on the updated AQAP will now be undertaken to help finalise the Action Plan which will then be reported to Cabinet for approval prior to submission to Welsh Government by the end of September 2022.

2.42 In **Cardiff**, the 2021 APR highlighted that no monitoring sites recorded concentrations in exceedance of the annual average objective set for NO_2 of 40 µg/m^3. The results were indicative of the impacts of the COVID lockdowns and restrictions on pollution levels in Cardiff, which was likely due to traffic volumes having decreased. SRS continues to support delivery of the Cardiff Council Clean Air Plan in line with the additional Legal Direction it received. Work in 2021-22 has ensured delivery of a number of key measures in the Plan, namely implementation of 36 Electric Buses, Retro fit programme of 49 buses, and a taxi lease scheme in conjunction with a 30 day try before you buy scheme with Cardiff Capital Region. In November 2021, Cabinet implemented an interim transportation scheme on Castle Street following approval in June 2021. Work is ongoing to assess the implementation of a permanent scheme on Castle St to ensure long-term NO_2 compliance post COVID recovery and work is ongoing to monitor the impact of the current interim scheme in terms of ensuring compliance is maintained.

2.43 In the **Vale of Glamorgan**, the 2021 APR demonstrated that no monitoring sites recorded concentrations in exceedance of the annual average objective set for NO_2 of 40 µg/m^3. Monitoring within the previously declared Windsor Road Air Quality Management Area (AQMA) showed continued compliance concerning the applicable air quality objectives for NO_2. Work is now underway to ratify the annual data for 2021 in readiness to submit the 2022 APRs, which will assess the result for the data gathered in 2021.

Supporting the Local economy

2.44 The work of SRS has a significant impact upon the local economy in a number of different ways. The provision of timely advice and guidance on regulation can enable businesses to maximise the benefit they derive from the marketplace, and the taking of firm enforcement action against rogue traders and those undermining the *bona fide* trade maintains an environment in which legitimate businesses are able to flourish. At the same time, effective market surveillance ensures 'visibility' of trading practices that would otherwise be hidden, and this is particularly so in regard to the huge increase in online trading in recent years. The SRS role as regulator also extends to providing a fair trading environment for consumers, supporting them to become better informed and confident in their purchasing decisions.

2.45 SRS has maintained its 28 Primary Authority partnerships over the course of another year in which the trading environment for many businesses continued to be challenging. Discussions are currently underway with some highly respected companies with a view to agreeing additional Wales-only Primary Authority partnerships, with a number of these being household names.

2.46 Following a number of tragic incidents where customers have died as a result of consuming products that they were unaware contained certain allergens, the law on allergen declaration changed on 1st October 2021. The amendment to the legislation, commonly known as 'Natasha's law' requires *all products pre-packed for direct sale* to have a full list of ingredients showing clearly the presence of any of 14 specified allergens. Pre-packed for direct sale foods are those that are placed in sealed packaging on the premises where they will be sold, before a customer makes their selection. Examples of foods commonly pre-packed for direct sale include sandwiches, wraps and bakery items, but depending on the circumstances, many other foods can fall within this definition.

2.47 In the run up to the change in the law on food allergens, SRS worked with businesses of all shapes and sizes to assist them in complying with the new requirement. In order to support this approach, free online workshops were provided for businesses across Bridgend, Cardiff and the Vale of Glamorgan. The workshops provided local food businesses with an overview of the legal requirements but also provided the opportunity for attendees to ask questions of the SRS Officers delivering the training about the changes in the law, and how the changes would apply to individual businesses.

2.48 Further raising awareness of the change in the law on allergen labelling, SRS worked with the team at Bro Radio to produce the first of an ongoing series of podcasts entitled '*Ask the Regulator'.* The first edition of the podcast focussed on allergens and provides crucial information in a clear, user friendly format for businesses and consumers alike. The allergens podcast can be accessed at https://www.srs.wales/en/Business-Advice/Podcasts.aspx

2.49 Officers have since released further podcast episodes in the format of discussions between regulators, businesses and members of the public on Safeguarding, Halloween and Bonfire season, Food & Christmas and Health & Nutrition. Such has been the success of the series that more '*Ask the Regulator*' podcasts are planned for 2022/23 on other Environmental Health, Trading Standards and Licensing matters. In addition, a wider audience is now being reached as a result of the podcasts being available through Spotify.

Maximising the use of resources

2.50 Maximising the use of resources was the original catalyst for creating SRS, and work in this area continues. By reducing "triplication" of effort, introducing better processes, making systems work without constant intervention and improving access into the service, our business improves and customer satisfaction increases. Income generating activities like marketing our metrology laboratory, offering paid for advice services, building Primary Authority partnerships and extending our training provision to business are examples of our move to a more "commercial" culture.

2.51 The ease with which the public and stakeholders are able to access SRS services has been particularly important in 2021/22 as in 2020/21 as buildings were less accessible and staff worked largely from home. Improvements to the **SRS website** have taken place over the last year, with more planned for near future to ensure that all information is up to date and to ensure the best possible customer journey. During 2021/22, the SRS website had 64,914 users and 177,919 page views. Our noise and air pollution web pages consistently receive the most page views.

2.52 The SRS website is supplemented by our **social media** offerings, SRS Twitter (@SRS_Wales) and the SRS LinkedIn account. These channels have proved to be a highly effective way of getting information to a large number of businesses and residents.

2.53 Use of the **noise app** has gone from strength to strength. The app can be downloaded by residents wishing to make a complaint about noise, enabling them to record short bursts of the disturbance and submit to the service to determine if a nuisance has occurred. This approach has been invaluable at a time when noise nuisance complaints increased with more people staying at home, and has enabled complaints to be triaged effectively, thereby ensuring that officers' site visits are prioritised where and when they are most needed.

2.54 An essential component of the operating model for SRS was the introduction of technical and mobile working solutions that enable employees to work remotely. This contributed hugely to the early success of the service, but as agile and home working capability becomes the norm for many Council services, it is clear that SRS needs to reposition itself at the cutting edge of mobile technology if it is to enhance its remote working capabilities moving forward. SRS will continue working with staff via the ICT

Review working group and ICT services to explore options for improving equipment and systems to ensure that we deliver services both efficiently and effectively.

2.55 During both 2020/21 and 2021/22, it wasn't possible to maintain pre-pandemic levels of cost recovery and income generation. There have been a number of reasons for this, however one of the main causes has been the reduction in revenue from the delivery of training courses, as a result of the impact of COVID restrictions on face-to-face teaching.

2.56 As part of the 2021/22 Annual Internal Audit Plan, two audit reviews were carried out in respect of Shared Regulatory Services. The first of these reviews involved an audit of **SRS governance and financial controls**. Just one issue was identified which needs to be addressed, that of resolving the current recruitment difficulties experienced by SRS. This was reflected in the Management Action Plan with the recommendation that 'The recruitment strategy is reviewed and updated to find solutions for recruitment and selection in the current market'. This review resulted in an audit outcome of '*reasonable assurance'* being awarded, meaning that there is a generally sound system of governance, risk management and control in place.

2.57 The second review involved an audit of **the Wales Illegal Money Lending (IML) Grant.** No key issues were identified in this audit and the report concludes that a sound system of governance, risk management and control exists, with 'internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited'.

Financial Performance

2.58 The Gross Revenue Budget and provisional outturn position for 2021/22 are shown in the tables below, with the position in respect of each of the partners detailed to include both the Core and Authority Specific expenditure positions. The service is reporting an unaudited outturn position of a £363k underspend against a gross revenue budget of £8.331m, as illustrated in the following tables:

	Gross Budget	Forecast Outturn	Outturn Variance
Authority	**£'000's**	**£'000's**	**£'000's**
Bridgend	1,777	1,635	142
Cardiff	4,812	4,666	146
Vale	1,742	1,667	75
Total Gross Expenditure	**8,331**	**7,968**	**363**

2.59 Multiple recruitment drives were undertaken in the year, however, the Service continued to experience significant issues in attracting appropriate candidates to particular disciplines within the service, which may in part be due to a national scarcity of resource being available. This issue has been amplified further by the impact of Covid.

2.60 The Service has continued to work with local universities in the practical support of students who are enrolled on degree courses relevant to the areas within the SRS where there are vacancies. A sizeable number of newly qualified Environmental Health Officers were employed to assist within the Covid Enforcement teams throughout the region, with this initiative being funded by the Welsh Government Covid Hardship Grant during 2021/22.

2.61 Where possible, staff have worked from home since the outbreak of Covid, with only skeleton staffing levels at the hubs, therefore achieving compliance with social distancing guidance.

2.62 Due to qualifications and specific skills held by SRS employees, a specialist team has been created to support the Test, Trace and Protect (TTP) teams across the SRS region. This however, has placed additional pressure on residual staffing levels and workflows.

2.63 A full breakdown of the unaudited outturn position is shown in **Appendix 4**.

Core Services

2.64 The approved gross Core Services Budget for 2021/22 is £5.941m which achieved an overall outturn underspend of £348k. The Core service's budget is allocated in line with the population split across the participating authorities, as illustrated in the following table:

		Gross Budget	Forecast Outturn	Outturn Variance
Authority	**%**	**£'000's**	**£'000's**	**£'000's**
Bridgend	22.67%	1,347	1,263	84
Cardiff	56.56%	3,360	3,174	186
Vale	20.77%	1,234	1,156	78
Total Core		**5,941**	**5,593**	**348**

2.65 The £286k overspend within Animal Services is predominantly due to residual horse accommodation costs incurred in the first few months of the year. Additionally, £28k has been moved to a specific reserve to purchase a replacement vehicle for the team, which will reduce vehicle costs going forward.

2.66 During 2021/22, the volume of complaints of unlicensed breeders and sick puppies has more than doubled. To help address these issues, one team member is currently on a partial secondment to a Wales wide task force. In the final quarter of 2021/22, the team worked in conjunction with other interested parties where

there had been a number of confirmed instances of Avian Influenza within the SRS region.

2.67 Environmental Services achieved a £67k overspend, which is predominantly the result of a £50k commitment to replace ageing air quality equipment across the region.

2.68 Food Services achieved a £381k underspend, which is a direct consequence of a noteworthy proportion of staff resource being diverted to support TTP activities. Additional Port Health duties were required to minimise the risk of infection through the Airport and Seaports, providing confidence that appropriate action could be taken should infection be identified. Remaining staff resource focussed on ensuring that the targets of the Food Standards Agency recovery programme were met in prioritising inspection of high risk and existing businesses.

2.69 Housing Services has achieved an overall overspend of £33k, which is predominantly the result of Works in Default activities which will be 100% recharged back to Cardiff, plus surveys of private and public sector homes to evaluate their compliance with accepted housing standards. Strong performance has seen the empty homes teams of the region exceed the annual performance targets, with considerable progress being made against some of the longer term empty properties.

2.70 Health & Safety and Communicable Disease (HSCD) Service achieved an underspend of £96k, which is a direct consequence of the level of support provided to the regional TTP teams for both the Cardiff & Vale plus Cwm Taf Health Boards. The HSCD team have also continued to focus on working within the care sector such as nurseries, care homes and domiciliary care whilst actively participating in multi-agency meetings concerning the impact of Covid in these sectors.

2.71 Pollution Services achieved a £37k underspend, which is the upshot of a member of staffing being seconded to lead the Bridgend Covid Enforcement team. An increase in complaints with regard to hospitality venues was identified as being a direct consequence to restrictions being revised. The team worked closely with the enforcement teams to ensure a consistent approach was employed with regard to both noise nuisance and Covid enforcement requirements.

2.72 Trading standards achieved an overall £220k underspend, which includes provision of £45k to fund the replacement of two ageing vehicles which will positively contribute towards reducing the carbon footprint of the Service, plus £25k to purchase a number of body cameras to be used by staff whilst on operations.

2.73 A senior officer was seconded to lead the Vale's COVID Enforcement team, which compounded issues on staffing within the budget for trading standards provision. There continues to be a national shortage of suitable candidates within this area, and the situation was further exacerbated by the continued secondment of a senior member of staff to Welsh Government. It is hoped that there will be a return to more proactive work in 2022/23.

2.74 The 2021/22 Welsh Government Rentsmart Grants of £66k were built into the SRS budget. The grant forms an element of the Housing Support Grant received directly by the partner Authorities, therefore, as with previous years, the SRS costs will be recouped directly from the partners at year end.

Authority Specific Services

2.75 The approved gross budget of £2.390m in respect of Authority Specific (AS) Services has achieved an overall outturn underspend of £15k, as illustrated in the following table:

	Gross Budget	Forecast Outturn	Outturn Variance
Authority	**£'000's**	**£'000's**	**£'000's**
Bridgend	430	372	58
Cardiff	1,452	1,492	(40)
Vale	508	511	(3)
Total AS Services	**2,390**	**2,375**	**15**

2.76 The £58k outturn underspend at Bridgend, relates directly to underspends within the Kennelling & Vets plus Licensing Services. Of this sum, the £35k underspend within the Bridgend Licensing Section is the consequence of carrying a temporary vacant post. In addition, Bridgend Empty homes has achieved an outturn underspend of £1k.

2.77 Kennelling and Vets achieved an outturn underspend of £22k with activity continuing to perform below target, this is very much consistent with activity levels realised in previous periods.

2.78 Despite the notable uptake in dog ownership during 2021/22, the number of dogs being presented as homeless to the service has remained on par with previous periods. However, it should be noted that the number of dogs signed over to the kennels by owners has increased as a result of homeworkers returning to their offices.

2.79 Overall, Cardiff achieved an outturn overspend of £40k.

2.80 Cardiff Licensing Section has achieved an outturn overspend of £105k, which is consistent with the outturn position of this unit in previous years. There are overspends within both the Employee and Supplies & Services sections. The position is partially offset by underspends across the other headings within Cardiff Authority Specific Services.

2.81 HMO Cathays and HMO Plasnewydd have achieved a combined £46k outturn underspend, which is due to staff changes and a reduction in operational costs incurred in the year.

2.82 The Student Liaison Officer achieved a £13k outturn underspend which was driven by a change in staff plus a reduction in operational costs incurred to date. The officer has continued to work together with other associated bodies to develop and disseminate guidance for students in respect of Covid related restrictions.

2.83 The Night Time Noise team achieved a £1k outturn overspend during 2021/22.

2.84 Cardiff Port Health Authority achieved a £7k outturn underspend which is the result of small volume of staff resources being diverted to cover Test, Trace and Protect activities.

2.85 Overall, the Vale achieved a £3k outturn overspend in respect of Authority Specific Services.

2.86 The Licensing Service achieved a £24k outturn overspend. Within the Vale, the taxi trade has not returned to pre-pandemic levels. However, an increase in the submission of electronic forms has driven an increase in staff hours to successfully navigate the increased workload.

2.87 The Burial section achieved a £4k outturn overspend which reflects the uptake of public health funerals in the year. However, it should be noted that there were no known Covid related funerals.

2.88 The Pest Control Service achieved an £8k outturn underspend.

2.89 The Kennelling and Vets Service continues to emulate the reduction in pressure experienced at Bridgend, and as a result achieved a £17k outturn underspend.

Net Position

2.90 In accordance with the Joint Working Agreement (JWA), income budgets remain the responsibility of each Partner Authority and are shown in this report for completeness. The following table illustrates an overall achieved outturn overspend of £7k, against a net budget of £6.205m.

	Net Budget	Unaudited Outturn	Outturn Variance
Authority	**£'000's**	**£'000's**	**£'000's**
Bridgend	1,310	1,344	(34)
Cardiff	3,494	3,524	(30)
Vale	1,401	1,344	57
Total Net Expenditure	**6,205**	**6,212**	**(7)**

2.91 A full breakdown of the forecast outturn position is illustrated in **Appendix 5.**

2.92 All partners have confirmed that they have made successful claims against the WG Covid income Loss Grant, however, these funds are held centrally by the partner authorities so are therefore not showing on this report.

2.93 Bridgend have achieved a net outturn position of a £34k overspend, against a net budget of £1.310m, which is due to the gross expenditure outturn underspend of £142k being offset by an £176k shortfall in income receipts.

2.94 Core income under recovered £21k against the £60k budget.

2.95 Licensing income achieved a £155k shortfall in receipts against a budget of £407k.

2.96 The achieved net outturn position for Cardiff is an overall overspend of £30k, against a net budget of £3.494m which is the result of gross expenditure underspend of £146k being offset by a £176k shortfall in income receipts at Cardiff.

2.97 Core income under recovered £40k against a budget of £183k

2.98 Authority Specific Services achieved £136k against a budget of £1,135.

2.99 The achieved net outturn position for the Vale of Glamorgan is a £57k underspent.

2.100 The £75k gross expenditure outturn position as detailed at point 2.1 of this report, has been offset by an £18k overall under recovery of income against target in 2021/22. The £8k over recovery of income within Core has been fully offset by the £26k under recovery of income within the Licensing Section where there has been a decrease in the number of licensed taxis in the area which is directly attributable to the impact of Covid.

Challenges moving forward

2.101 Since its inception, SRS has consolidated service delivery in accord with the agreed standards. Over the last two years, the service has engaged with a wide range of partners to play a central role in tackling the spread of coronavirus. The over-riding challenge during 2022/23 will be to balance the need to respond to any resurgence of COVID-19, with the need to respond to other emerging global events while at the same time ensuring a return to 'business as usual work' with. Consequently, the Key Milestones for 2022/23 include:

- *Delivery of the SRS Business Plan 2022-2023 and the associated corporate priorities assigned to the SRS by the partner councils*

- *To support the partner councils and other agencies to manage the impact of any resurgence of Covid-19*

- *To monitor the implementation of new legislation and any requirements imposed by such legislation upon the Service, for example the Welsh Government requirements around Special Procedures*

- *To contribute to the climate change goals in each of the partner authorities through effective enforcement of environmental controls such as those regulating energy efficiency in the private rented housing sector.*

- *To consult with staff and develop a recruitment and retention strategy comprising actions for the short, medium and longer term in order to attract, develop and retain skilled staff.*

- *Review the agile working arrangements for the service to ensure that technology is being exploited fully to improve service delivery.*

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3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

3.1 The Annual report demonstrates the partner Councils' commitment to improving social, economic, environmental and cultural well-being and promoting sustainable development in line with the Wellbeing of Future Generations (Wales) Act 2015. Equalities, Sustainability and safeguarding issues have all been taken into account when drafting this plan. Our work with stakeholders seeking to ensure that our early intervention and prevention activities maintain wellbeing in the SRS region is a crucial element of our approach to protect local people and the environment.

3.2 The Wellbeing of Future Generations Act requires the SRS to underpin decision making by contributing to the seven well-being goals of the Act, following the five ways of working, and consequently undertaking actions that will have a positive impact on people living in the future as well as those living today. The SRS Business Plan contains a number of initiatives that contribute to the wellbeing objectives. Section 6 of the Business Plan illustrates how the SRS priorities interface with the wellbeing goals on matters such as safeguarding the vulnerable and protecting the environment and forms the basis for the Annual report.

3.3 Aligning the Wellbeing Goals of the Act enables us to evidence our contribution to the National Wellbeing Goals. Promoting the five ways of working is reflected in our approach to integrated business planning. Setting consistently challenging yet realistic steps and performance improvement targets, the SRS is able to clearly demonstrate progress towards achieving the national goals by the production of the Annual report.

4. Resources and Legal Considerations

Financial

4.1 The implications are set out in the body of the report.

Employment

4.2 The implications of the budget reductions undertaken in 2020/21 are set out in the body of the report.

Legal (Including Equalities)

4.3 The partner Councils have a duty to improve under the Local Government (Wales) Measure 2009. The report outlines achievements in 2021/22 for the matters assigned to the Shared Regulatory Service. The Joint Working Agreement executed on 10 April 2015 and amended July 2017 sets out the obligations placed upon the partner Councils in delivery of the Shared Regulatory Service.

5. Background Papers

None

Appendices

- Appendix 1 – SRS Performance Measures 2021- 2022
- Appendix 2 – SRS Covid activities 2021-2022
- Appendix 3 – SRS Prosecution Statistics 2021-2022
- Appendix 4 – Projected Gross Revenue Outturn Position (tab A)
- Appendix 5 – Projected Net Outturn Position (tab B)

Shared Regulatory Services

Quarterly Performance Report 2021-22

Quarter 4

Shared Regulatory Services | Gwasanaethau Rheoliadol a Rennir

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council

Cardiff Caerdydd

Vale of Glamorgan Bro Morgannwg

High Risk Food Hygiene Inspections

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	Rag Status	Comments	Target
2021-22	Food Combined	Bridgend	SRS/FH/001	Qtr 4	The percentage of high risk businesses **(Cat A)** that were liable to a programmed inspection that were inspected for food hygiene.	5	5	**100.00%**	Green	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address this, the Food Standards Agency Recovery Plan was adopted, which set out those inspections that needed to be prioritised to the end of 2021-22 namely A rated inspections and new businesses and all A rated inspections have been completed.	100%
2021-22	Food Combined	Cardiff	SRS/FH/001	Qtr 4	The percentage of high risk businesses **(Cat A)** that were liable to a programmed inspection that were inspected for food hygiene.	10	10	**100.00%**	Green	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address this, the Food Standards Agency Recovery Plan was adopted, which set out those inspections that needed to be prioritised to the end of 2021-22, namely A rated inspections and new businesses and all A rated inspections have been completed.	100%
2021-22	Food Combined	Vale of Glam	SRS/FH/001	Qtr 4	The percentage of high risk businesses **(Cat A)** that were liable to a programmed inspection that were inspected for food hygiene.	4	4	**100.00%**	Green	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address this, the Food Standards Agency Recovery Plan was adopted, which set out those inspections that needed to be prioritised to the end of 2021-22, namely A rated inspections and new businesses and all A rated inspections have been completed.	100%
2021-22	Food Combined	SRS	SRS/FH/001	Qtr 4	The percentage of high risk businesses **(Cat A)** that were liable to a programmed inspection that were inspected for food hygiene.	19	19	**100.00%**	Green	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address this, the Food Standards Agency Recovery Plan was adopted, which set out those inspections that needed to be prioritised to the end of 2021-22, namely A rated inspections and new businesses and all A rated inspections have been completed.	100%

High Risk Food Hygiene Inspections

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	Rag Status	Comments	Target
2021-22	Food Combined	Bridgend	SRS/FH/001	Qtr 4	The percentage of high risk businesses **(Cat B)** that were liable to a programmed inspection that were inspected for food hygiene.	18	48	**37.50%**	Red	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address this, the Food Standards Agency Recovery Plan was adopted, which set out those inspections that needed to be prioritised. As a consequence A rated and new business inspections were prioritised during 2021/22. Even though Category B inspections were not prioritised during this period, good progress has been made with a view to completing these by June 2022 in accordance with the Recovery Plan.	100%
2021-22	Food Combined	Cardiff	SRS/FH/001	Qtr 4	The percentage of high risk businesses **(Cat B)** that were liable to a programmed inspection that were inspected for food hygiene.	134	135	**99.26%**	Amber	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address this, the Food Standards Agency Recovery Plan was adopted, which set out those inspections that needed to be prioritised. As a consequence A rated and new business inspections were prioritised during 2021/22. Even though Category B inspections were not prioritised during this period, good progress has been made with a view to completing these by June 2022 in accordance with the Recovery Plan.	100%
2021-22	Food Combined	Vale of Glam	SRS/FH/001	Qtr 4	The percentage of high risk businesses **(Cat B)** that were liable to a programmed inspection that were inspected for food hygiene.	20	51	**39.22%**	Red	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address this, the Food Standards Agency Recovery Plan was adopted, which set out those inspections that needed to be prioritised. As a consequence A rated and new business inspections were prioritised during 2021/22. Even though Category B inspections were not prioritised during this period, good progress has been made with a view to completing these by June 2022 in accordance with the Recovery Plan.	100%
2021-22	Food Combined	SRS	SRS/FH/001	Qtr 4	The percentage of high risk businesses **(Cat B)** that were liable to a programmed inspection that were inspected for food hygiene.	172	234	**73.50%**	Red	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address this, the Food Standards Agency Recovery Plan was adopted, which set out those inspections that needed to be prioritised. As a consequence A rated and new business inspections were prioritised during 2021/22. Even though Category B inspections were not prioritised during this period, good progress has been made with a view to completing these by June 2022 in accordance with the Recovery Plan.	100%

High Risk Food Hygiene Inspections

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
2021-22	Food Combined	Bridgend	SRS/FH/002	Qtr 4	The percentage of high risk businesses **(Cat C)** that were liable to a programmed inspection that were inspected for food hygiene.	50	484	**10.33%**	Red	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address backlogs, the Food Standards Recovery Plan was adopted, which set out those inspections that needed to be prioritised during the year, namely A rated inspections and new businesses. As a consequence priority was given to completing these inspections over any other category which has inevitably impacted on performance against this performance measure. Non broadly compliant C rated inspections will be prioritised for completion by the end of September 2022 in line with the Recovery Plan.	90%
2021-22	Food Combined	Cardiff	SRS/FH/002	Qtr 4	The percentage of high risk businesses **(Cat C)** that were liable to a programmed inspection that were inspected for food hygiene.	82	1100	**7.45%**	Red	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address backlogs, the Food Standards Recovery Plan was adopted, which set out those inspections that needed to be prioritised during the year, namely A rated inspections and new businesses. As a consequence priority was given to completing these inspections over any other category which has inevitably impacted on performance against this performance measure. Non broadly compliant C rated inspections will be prioritised for completion by the end of September 2022 in line with the Recovery Plan.	90%
2021-22	Food Combined	Vale of Glam	SRS/FH/002	Qtr 4	The percentage of high risk businesses **(Cat C)** that were liable to a programmed inspection that were inspected for food hygiene.	25	452	**5.53%**	Red	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address backlogs, the Food Standards Recovery Plan was adopted, which set out those inspections that needed to be prioritised during the year, namely A rated inspections and new businesses. As a consequence priority was given to completing these inspections over any other category which has inevitably impacted on performance against this performance measure. Non broadly compliant C rated inspections will be prioritised for completion by the end of September 2022 in line with the Recovery Plan.	90%
2021-22	Food Combined	SRS	SRS/FH/002	Qtr 4	The percentage of high risk businesses **(Cat C)** that were liable to a programmed inspection that were inspected for food hygiene.	157	2036	**7.71%**	Red	The suspension of inspections and closure of businesses during 2020/21 due to Covid-19 resulted in a backlog of programmed inspections. This coupled with staff resources being diverted to the COVID response together with recruitment and retention pressures has impacted on the number of inspections undertaken. To help address backlogs, the Food Standards Recovery Plan was adopted, which set out those inspections that needed to be prioritised during the year, namely A rated inspections and new businesses. As a consequence priority was given to completing these inspections over any other category which has inevitably impacted on performance against this performance measure. Non broadly compliant C rated inspections will be prioritised for completion by the end of September 2022 in line with the Recovery Plan.	90%

New Businesses—Food Hygiene

Year	Team	Authority	Ref	Quar-ter	Title	No. car-ried out	No. due	Percent-age achieve d	RAG Status	Comment	Target
2021-22	Food Combined	Bridgend	SRS/FH/003	Qtr 4	The percentage of new businesses identified which were subject to a risk assessment during the year for food hygiene.	203	317	**64.04%**	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. 225 in Bridgend. This coupled with staff resources being diverted to Test, Trace, Protect, together with recruitment and retention pressures has impacted on the number of inspections undertaken. This is however being addressed via the Food Standards Agency Recovery Plan framework which is seeing the service prioritise new business inspections during the year. While figures for new business remain high, due to the large number received during the year coupled with the backlog, we are reducing the backlog from previous years and this is now standing at 45 outstanding at the end of Qtr 4 with the remainder, 69, being inspections that have become due during 2021/22 and have yet to be completed.	90%
2021-22	Food Combined	Cardiff	SRS/FH/003	Qtr 4	The percentage of new businesses identified which were subject to a risk assessment during the year for food hygiene.	563	985	**57.16%**	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. 550 in Cardiff. This coupled with staff resources being diverted to Test, Trace, Protect, together with recruitment and retention pressures has impacted on the number of inspections undertaken. This is however being addressed via the Food Standards Agency Recovery Plan framework which is seeing the service prioritise new business inspections during the year. While figures for new business remain high, due to the large number received during the year coupled with the backlog, we are reducing the backlog from previous years and this is now standing at 157 outstanding at the end of Qtr 4 with the remainder, 265, being inspections that have become due during 2021/22 and have yet to be completed.	90%
2021-22	Food Combined	Vale of Glam	SRS/FH/003	Qtr 4	The percentage of new businesses identified which were subject to a risk assessment during the year for food hygiene.	228	352	**64.77%**	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. 203 in the Vale of Glamorgan. This coupled with staff resources being diverted to Test, Trace, Protect, together with recruitment and retention pressures has impacted on the number of inspections undertaken. This is however being addressed via the Food Standards Agency Recovery Plan framework which is seeing the service prioritise new business inspections during the year. While figures for new business remain high, due to the large number received during the year coupled with the backlog, we are reducing the backlog from previous years and this is now standing at 39 outstanding at the end of Qtr 4 with the remainder, 85, being inspections that have become due during 2021/22 and have yet to be completed.	90%
2021-22	Food Combined	SRS	SRS/FH/003	Qtr 4	The percentage of new businesses identified which were subject to a risk assessment during the year for food hygiene.	994	1654	**60.10%**	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. 978 across the region. This coupled with staff resources being diverted to Test, Trace, Protect, together with recruitment and retention pressures has impacted on the number of inspections undertaken. This is however being addressed via the Food Standards Agency Recovery Plan framework which is seeing the service prioritise new business inspections during the year. While figures for new business remain high, due to the large number received during the year coupled with the backlog, we are reducing the backlog from previous years and this is now standing at 241 outstanding at the end of Qtr 4 with the remainder, 419, being inspections that have become due during 2021/22 and have yet to be completed.	90%

Broadly Compliant Food Premises

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
2021-22	Food	Bridgend	PAM/23	Qtr 4	Percentage of food establishments which are 'broadly compliant' with food hygiene standards.	1338	1374	**97.38%**	Green	Target exceeded.	94%
2021-22	Food	Cardiff	PAM/23	Qtr 4	Percentage of food establishments which are 'broadly compliant' with food hygiene standards.	3189	3331	**95.74%**	Green	Target exceeded.	94%
2021-22	Food	Vale of Glam	PAM/23	Qtr 4	Percentage of food establishments which are 'broadly compliant' with food hygiene standards.	1308	1345	**97.25%**	Green	Target exceeded.	94%
2021-22	Food	SRS	PAM/23	Qtr 4	Percentage of food establishments which are 'broadly compliant' with food hygiene standards.	5835	6050	**96.45%**	Green	Target exceeded.	94%

High Risk Trading Standards Inspections

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
2021-22	TS Combined	Bridgend	SRS/TS/001	Qtr 4	The percentage of high risk businesses that were liable to a programmed inspection that were inspected, for trading standards.	3	7	**42.86%**	Red	4 inspections remained outstanding at the end of Qtr 4. The Food Standards Agency Recovery Plan framework which has been implemented within SRS to deal with the backlog of programmed food standards inspections requires the prioritisation of Category A Food standards inspections for completion by June 2022.	100%
2021-22	TS Combined	Cardiff	SRS/TS/001	Qtr 4	The percentage of high risk businesses that were liable to a programmed inspection that were inspected, for trading standards.	15	21	**71.43%**	Red	6 inspections remained outstanding at the end of Qtr 4. The Food Standards Agency Recovery Plan framework which has been implemented within SRS to deal with the backlog of programmed food standards inspections requires the prioritisation of Category A Food standards inspections for completion by June 2022.	100%
2021-22	TS Combined	Vale of Glam	SRS/TS/001	Qtr 4	The percentage of high risk businesses that were liable to a programmed inspection that were inspected, for trading standards.	1	1	**100.00%**	Green	Target achieved.	100%
2021-22	TS Combined	SRS	SRS/TS/001	Qtr 4	The percentage of high risk businesses that were liable to a programmed inspection that were inspected, for trading standards.	19	29	**65.52%**	Red	10 inspections remained outstanding at the end of Qtr 4. The Food Standards Agency Recovery Plan framework which has been implemented within SRS to deal with the backlog of programmed food standards inspections requires the prioritisation of Category A Food standards inspections for completion by June 2022.	100%

New business—Trading Standards

Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
TS combined	Bridgend	SRS/TS/003	Qtr 4	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year, for food standards and animal feed.	185	346	**53.47%**	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. This coupled with job vacancies has impacted on the number of inspections undertaken. This is being addressed in part via the Food Standards Agency Recovery Plan framework in relation to food standards work.	80%
TS Combined	Cardiff	SRS/TS/003	Qtr 4	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year, for food standards and animal feed.	216	953	**22.67%**	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. This coupled with job vacancies has impacted on the number of inspections undertaken. This is being addressed in part via the Food Standards Agency Recovery Plan framework in relation to food standards work.	80%
TS Combined	Vale of Glam	SRS/TS/003	Qtr 4	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year, for food standards and animal feed.	177	447	**39.60%**	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. This coupled with job vacancies has impacted on the number of inspections undertaken. This is being addressed in part via the Food Standards Agency Recovery Plan framework in relation to food standards work.	80%
TS Combined	SRS	SRS/TS/003	Qtr 4	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year, for food standards and animal feed.	578	1746	**33.10%**	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. This coupled with job vacancies has impacted on the number of inspections undertaken. This is being addressed in part via the Food Standards Agency Recovery Plan framework in relation to food standards work.	80%

Significant Breaches

Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
TS combined	Bridgend	SRS/TS/002	Qtr 4	The percentage of significant breaches that were rectified by intervention during the year for: Trading Standards	39	40	**97.50%**	N/A	This measure relates to premises/businesses that are subject to ongoing investigations. The conclusion of such investigations may not always be possible within the financial year, however all cases are in within time for legal processing.	N/A
TS Combined	Cardiff	SRS/TS/002	Qtr 4	The percentage of significant breaches that were rectified by intervention during the year for: Trading Standards	160	167	**95.81%**	N/A	This measure relates to premises/businesses that are subject to ongoing investigations. The conclusion of such investigations may not always be possible within the financial year, however all cases are in within time for legal processing.	N/A
TS Combined	Vale of Glam	SRS/TS/002	Qtr 4	The percentage of significant breaches that were rectified by intervention during the year for: Trading Standards	53	57	**92.98%**	N/A	This measure relates to premises/businesses that are subject to ongoing investigations. The conclusion of such investigations may not always be possible within the financial year, however all cases are in within time for legal processing.	N/A
TS Combined	SRS	SRS/TS/002	Qtr 4	The percentage of significant breaches that were rectified by intervention during the year for: Trading Standards	252	264	**95.45%**	N/A	This measure relates to premises/businesses that are subject to ongoing investigations. The conclusion of such investigations may not always be possible within the financial year, however all cases are in within time for legal processing.	N/A

Noise and Air Pollution

Year	Team	Authority	Ref	Quarter	Title	No. responded to	No. received	Percentage achieved	RAG Status	Comment	Target
2020-21	Pollution	Bridgend	SRS/LC/008	Qtr 4	Percentage of domestic noise and air complaints responded to within 3 working days.	122	135	90.37%	Green	Target exceeded.	90%
2020-21	Pollution	Bridgend	SRS/LC/008	Annual Result	Percentage of domestic noise and air complaints responded to within 3 working days.	726	822	88.32%	Amber	The Noise team worked with a reduced resource due to one officer being seconded to the Covid Enforcement Team. The target of 90% equates to 740 complaints which represents a shortfall of only 14 complaints that were not responded to in the target time during the year.	90%
2020-21	Pollution	Cardiff	SRS/LC/008	Qtr 4	Percentage of domestic noise and air complaints responded to within 3 working days.	364	393	92.62%	Green	Target exceeded.	90%
2020-21	Pollution	Cardiff	SRS/LC/008	Annual Result	Percentage of domestic noise and air complaints responded to within 3 working days.	2082	2210	94.21%	Green	Target exceeded.	90%
2020-21	Pollution	Vale of Glam	SRS/LC/008	Qtr 4	Percentage of domestic noise and air complaints responded to within 3 working days.	90	100	90.00%	Green	Target achieved.	90%
2020-21	Pollution	Vale of Glam	SRS/LC/008	Annual Result	Percentage of domestic noise and air complaints responded to within 3 working days.	458	511	89.63%	Amber	The team have had operational issues due to staff availability and some delays in handling complaints that have been logged. The target of 90% equates to 460 complaints which represents a shortfall of only 2 complaints that were not responded to in the target time during the year.	90%
2020-21	Pollution	SRS	SRS/LC/008	Qtr 4	Percentage of domestic noise and air complaints responded to within 3 working days.	576	628	91.72%	Green	Target exceeded.	90%
2020-21	Pollution	SRS	SRS/LC/008	Annual Result	Percentage of domestic noise and air complaints responded to within 3 working days.	3266	3543	92.18%	Green	Target exceeded.	90%

Noise and Air Pollution

Year	Team	Authority	Ref	Quarter	Title	No. responded to	No. received	Percentage achieved	RAG Status	Comment	Target
2020-21	Pollution	Bridgend	SRS/LC/009	Qtr 4	Percentage of commercial and industrial noise and air complaints responded to within one working day.	30	44	68.18%	Amber	The Noise team continue to work with reduced resource due to one officer being seconded to the Covid Enforcement Team. The target of 75% equates to 33 complaints which represents a shortfall of only 3 complaints that were not responded to in the target time.	75%
2020-21	Pollution	Bridgend	SRS/LC/009	Annual Result	Percentage of commercial and industrial noise and air complaints responded to within one working day.	277	387	71.58%	Amber	The Noise team worked with a reduced resource due to one officer being seconded to the Covid Enforcement Team. The target of 75% equates to 291 complaints which represents a shortfall of only 14 complaints that were not responded to in the target time during the year.	75%
2020-21	Pollution	Cardiff	SRS/LC/009	Qtr 4	Percentage of commercial and industrial noise and air complaints responded to within one working day.	116	161	72.05%	Amber	The team have had operational issues due to staff availability and some delays in handling complaints that have been logged. The target of 75% equates to 121 complaints, a shortfall of 5 complaints that were not responded to within the target time.	75%
2020-21	Pollution	Cardiff	SRS/LC/009	Annual Result	Percentage of commercial and industrial noise and air complaints responded to within one working day.	548	759	72.20%	Amber	The team have had operational issues due to staff availability and some delays in handling complaints that have been logged. The target of 75% equates to 570 complaints, a shortfall of 22 complaints that were not responded to within the target time during the year.	75%
2020-21	Pollution	Vale of Glam	SRS/LC/009	Qtr 4	Percentage of commercial and industrial noise and air complaints responded to within one working day.	21	26	80.77%	Green	Target exceeded.	75%
2020-21	Pollution	Vale of Glam	SRS/LC/009	Annual Result	Percentage of commercial and industrial noise and air complaints responded to within one working day.	191	279	68.46%	Amber	The team have had operational issues due to staff availability and some delays in handling complaints that have been logged. The target of 75% equates to 210 complaints, a shortfall of 9 complaints that were not responded to within the target time during the year.	75%
2020-21	Pollution	SRS	SRS/LC/009	Qtr 4	Percentage of commercial and industrial noise and air complaints responded to within one working day.	167	231	72.29%	Amber	The Noise Teams have had operational issues due to staff availability and some delays in handling complaints that have been logged. The target of 75% equates to 174 complaints, a shortfall of 7 complaints that were not responded to within the target time.	75%
2020-21	Pollution	SRS	SRS/LC/009	Annual Result	Percentage of commercial and industrial noise and air complaints responded to within one working day.	1016	1425	71.30%	Amber	The Noise teams have had operational issues due to staff availability and some delays in handling complaints that have been logged. The target of 75% equates to 1069 complaints, a shortfall of 53 complaints that were not responded to within the target time during the year.	75%

Noise and Air Pollution

Year	Team	Authority	Ref	Quarter	Title	No. responded to	No. received	Percentage achieved	RAG Status	Comment	Target
2020-21	Pollution	Bridgend	SRS/LC/010	Qtr 4	Percentage of alarm complaints responded to within one day.	2	2	100.00%	Green	Target achieved.	90%
2020-21	Pollution	Bridgend	SRS/LC/010	Annual Result	Percentage of alarm complaints responded to within one day.	13	15	86.67%	Amber	The Noise team worked with a reduced resource due to one officer being seconded to the Covid Enforcement Team. The target of 90% equates to 14 complaints which represents a shortfall of only 1 complaint that was not responded to in the target time during the year.	90%
2020-21	Pollution	Cardiff	SRS/LC/010	Qtr 4	Percentage of alarm complaints responded to within one day.	7	8	87.50%	Amber	The team have had operational issues due to staff availability and some delays in handling complaints that have been logged. The target of 90% equates to 8 complaints, a shortfall of only one complaint that was not responded to within the target time.	90%
2020-21	Pollution	Cardiff	SRS/LC/010	Annual Result	Percentage of alarm complaints responded to within one day.	93	99	93.94%	Green	Target exceeded.	90%
2020-21	Pollution	Vale of Glam	SRS/LC/010	Qtr 4	Percentage of alarm complaints responded to within one day.	2	2	100.00%	Green	Target exceeded.	90%
2020-21	Pollution	Vale of Glam	SRS/LC/010	Annual Result	Percentage of alarm complaints responded to within one day.	9	11	81.82%	Amber	The team have had operational issues due to staff availability and some delays in handling complaints that have been logged. The target of 90% equates to 10 complaints, a shortfall of only one complaint that was not responded to within the target time.	90%
2020-21	Pollution	SRS	SRS/LC/010	Qtr 4	Percentage of alarm complaints responded to within one day.	11	12	91.67%	Green	Target exceeded.	90%
2020-21	Pollution	SRS	SRS/LC/010	Annual Result	Percentage of alarm complaints responded to within one day.	115	125	92.00%	Green	Target exceeded.	90%

Licensing

Year	Team	Authority	Ref	Quarter	Title	No determined	No. received	Percentage achieved	RAG Status	Comment	Target
2020-21	Licensing	Bridgend	SRS/LC/004	Qtr 4	Percentage of licensed premises applications received and determined within 2 months.	24	24	**100.00%**	Green	Target achieved.	100%
2020-21	Licensing	Bridgend	SRS/LC/004	Annual Result	Percentage of licensed premises applications received and determined within 2 months.	91	91	**100.00%**	Green	Target achieved.	100%
2020-21	Licensing	Cardiff	SRS/LC/004	Qtr 4	Percentage of licensed premises applications received and determined within 2 months.	116	116	**100.00%**	Green	Target achieved.	100%
2020-21	Licensing	Cardiff	SRS/LC/004	Annual Result	Percentage of licensed premises applications received and determined within 2 months.	696	696	**100.00%**	**Green**	Target achieved.	100%
2020-21	Licensing	Vale of Glam	SRS/LC/004	Qtr 4	Percentage of licensed premises applications received and determined within 2 months.	37	37	**100.00%**	Green	Target achieved.	100%
2020-21	Licensing	Vale of Glam	SRS/LC/004	Annual Result	Percentage of licensed premises applications received and determined within 2 months.	140	140	**100.00%**	**Green**	Target achieved.	100%
2020-21	Licensing	SRS	SRS/LC/004	Qtr 4	Percentage of licensed premises applications received and determined within 2 months.	177	177	**100.00%**	Green	Target achieved.	100%
2020-21	Licensing	SRS	SRS/LC/004	Annual Result	Percentage of licensed premises applications received and determined within 2 months.	927	927	**100.00%**	**Green**	Target achieved.	100%

Licensing

Year	Team	Authority	Ref	Quarter	Title	No determined	No. received	Percentage achieved	RAG Status	Comment	Target
2020-21	Licensing	Bridgend	SRS/LC/005	Qtr 4	Percentage of licensed personal applications received and determined within 2 months.	10	10	100.00%	Green	Target achieved.	100%
2020-21	Licensing	Bridgend	SRS/LC/005	Annual Result	Percentage of licensed personal applications received and determined within 2 months.	50	50	100.00%	Green	Target achieved.	100%
2020-21	Licensing	Cardiff	SRS/LC/005	Qtr 4	Percentage of licensed personal applications received and determined within 2 months.	53	53	100.00%	Green	Target achieved.	100%
2020-21	Licensing	Cardiff	SRS/LC/005	Annual Result	Percentage of licensed personal applications received and determined within 2 months.	227	227	100.00%	Green	Target achieved.	100%
2020-21	Licensing	Vale of Glam	SRS/LC/005	Qtr 4	Percentage of licensed personal applications received and determined within 2 months.	17	17	100.00%	Green	Target achieved.	100%
2020-21	Licensing	Vale of Glam	SRS/LC/005	Annual Result	Percentage of licensed personal applications received and determined within 2 months.	77	77	100.00%	Green	Target achieved.	100%
2020-21	Licensing	SRS	SRS/LC/005	Qtr 4	Percentage of licensed personal applications received and determined within 2 months.	80	80	100.00%	Green	Target achieved.	100%
2020-21	Licensing	SRS	SRS/LC/005	Annual Result	Percentage of licensed personal applications received and determined within 2 months.	354	354	100.00%	Green	Target achieved.	100%

Licensing

Year	Team	Authority	Ref	Quarter	Title	No determined	No. received	Percentage achieved	RAG Status	Comment	Target
2020-21	Licensing	Bridgend	SRS/LC/006	Qtr 4	Percentage of Gambling Premises applications received and determined within 2 months.	0	0	0.00%	Green	No applications received.	100%
2020-21	Licensing	Bridgend	SRS/LC/006	Annual Result	Percentage of Gambling Premises applications received and determined within 2 months.	0	0	0.00%	Green	No applications received.	100%
2020-21	Licensing	Cardiff	SRS/LC/006	Qtr 4	Percentage of Gambling Premises applications received and determined within 2 months.	2	2	100.00%	Green	Target achieved.	100%
2020-21	Licensing	Cardiff	SRS/LC/006	Annual Result	Percentage of Gambling Premises applications received and determined within 2 months.	2	2	100.00%	Green	Target achieved.	100%
2020-21	Licensing	Vale of Glam	SRS/LC/006	Qtr 4	Percentage of Gambling Premises applications received and determined within 2 months.	0	0	0.00%	Green	No applications received.	100%
2020-21	Licensing	Vale of Glam	SRS/LC/006	Annual Result	Percentage of Gambling Premises applications received and determined within 2 months.	0	0	0.00%	Green	No applications received.	100%
2020-21	Licensing	SRS	SRS/LC/006	Qtr 4	Percentage of Gambling Premises applications received and determined within 2 months.	2	2	100.00%	Green	Target achieved.	100%
2020-21	Licensing	SRS	SRS/LC/006	Annual Result	Percentage of Gambling Premises applications received and determined within 2 months.	2	2	100.00%	Green	Target achieved.	100%

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Shared Regulatory Services | Gwasanaethau Rheoliadol a Rennir

Covid-19 Response
Qtr 4—April 21 to Mar 2022

1517

Service requests received making complaint, referrals or seeking advice on Covid-19 related matters

5876

Visits made to businesses to check compliance with regulations in respect of social distancing and business closures

1665

Doorstep checks made on travellers arriving from outside the UK

134048

Confirmed and suspected cases of Covid 19 reported to SRS

368

Outbreaks of new cases in care homes, schools, and nurseries managed

130

Statutory Notices issued for non-compliance including

115 Improvement, 6 Closure and

9 Compliance Notices

5093

Noise and Air complaints received.

20

Officers seconded to Test, Trace and Protect

7

Profiteering incidents or Covid-19 related scams reported

4596

Confirmed cases of Covid-19 relating to care home staff/residents, schools, early years settings and the domiciliary care sector escalated to the regional team

Test · Trace · Protect

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Appendix 3 - Summary of cases concluding between April 2021 and March 2022

The following prosecution cases arising from investigations conducted across the Shared Service, concluded in court during 2021-2022.

Case	Court date	Offence(s)	Outcome
1	6.4.21	Visits by SRS officers to this food business on 14th January and 13th February 2021 highlighted a number of food hygiene offences including a failure to adequately control pests on the premises. Both the company and its Director were charged with offences,	Both defendants pleaded guilty and sentenced as follows. The company was fined £3666 and ordered to pay costs of £250 together with a victim surcharge of £190; while the Director was fined £1066 and ordered to pay costs of £250 together with a victim surcharge of £106
2	22.4.21	A local horse breeder stood trial after pleading not guilty to 31 animal cruelty offences and one offences of obstruction under the Animal Welfare Act 2006. The charges related cruelty against a flock of Jacob sheep in August 2019, and also cruelty to horses kept on three different sites in January 2020. The suffering caused to the animals and the conditions in which they were being kept meant that all the sheep and a total of 240 horses had to be seized under the Animal Welfare Act. His partner was the co-defendant in the case, and had previously pleaded guilty to the same 31 animal cruelty offences.	The first defendant was sentenced to 6 months imprisonment and was given a lifetime disqualification from keeping any animals. At a subsequent hearing, the matter of costs was resolved with the defendant being ordered to pay costs amounting to £450,000. His co-defendant was sentenced to a 12 week custodial sentence, suspended for 12 months, with a requirement to wear an electronic tag for the duration of the 12 weeks, and be subject to a night time (9pm – 6am curfew) during that time. She was also given a lifetime disqualification from keeping any animals (other than some existing, specified pets).
3	4.5.21	This case arises from an inspection of a food takeaway business in August 2019 at which SRS officers highlighted a number of food hygiene offences including a failure to adequately control pests. The defendant pleaded guilty to all the four charges against him, and it was noted that he had been warned more than once and his offending had posed	The defendant was sentenced to 4 months imprisonment, concurrent on all matters, suspended for 18 months. He was ordered to complete 80 hours unpaid work and to pay costs of £750 together with a victim surcharge of £122

		a serious risk to public health.	
4	19.5.21	In this case, the owner of a convenience store was charged with a string food hygiene offences after SRS Officers found dreadful conditions on the premises. The company of which the store owner is the director was also charged with the same offences. The court heard that officers had found a dead mouse and a cockroach infestation, unwrapped raw meat being stored next to fresh herbs and vegetables and out of date and mouldy foods. The defendant had been previously prosecuted for food hygiene matters and also for the supply if illegal tobacco; as a result he knew the serious nature of the offences. The District Judge took the view that culpability was very high and there had been a flagrant disregard for the law. His food hygiene practices were very poor. There was a high risk of an adverse effect and serious risk to public health. The defendant's position was aggravated by the previous convictions and breach of a conditional discharge.	The Company was given a total fine of £20,000 The individual was sentenced to a total of 13 months imprisonment to begin immediately. The court also made him subject to a Hygiene Prohibition Order preventing him from participating in the management of any food business.
5	21.5.21	The case concerns a beauty and cosmetics outlet that remained open during the initial COVID19 lockdown in 2020, when it was not permitted to be open. The owner of the business was prosecuted under the Health Protection (Coronavirus Restrictions) (Wales) Regulations.	The defendant did not attend court and the case against him was proved in his absence. He was fined a total of £1320 and ordered to pay costs of £300 together with a victim surcharge of £132

6	21.5.21	This case involved a rogue trader who took £900 from for a resident in return for carrying out repairs to a paved area in the garden. The defendant carried out no work and when later questioned about the matter disputed the amount of money involved. He had previously been warned by SRS about his trading practices yet in this case he still omitted his name, address and work details on paperwork, failed to advise consumers of their right to cancel the contract and he gave an incorrect address.	The defendant pleaded guilty to offences under the Consumer Protection from Unfair Trading Regulations. He was fined a total of £420 and ordered to pay costs of £325 together with a victim surcharge of £42. He was also ordered to pay £900 compensation to the resident within 7 days. He had already deposited the money with his solicitor so that it could be paid directly to the court.
7	4.6.21	The defendant was the Premises Licence Holder at a retail outlet. He pleaded guilty to two offences under the Licensing Act 2003 in respect of the sale of alcohol to a person under the age of 18 years in December 2019.	He was fined £420 and ordered to pay costs of £220 together with a victim surcharge of £40.
8	4.6.21	The defendant company and its Director were charged with 5 offences under the Management of Houses in Multiple Occupation (Wales) Regulations 2006 and the Housing Act 2004. There was a failure to attend court and the defendants were found guilty in their absence.	Both defendants were fined £2200 and each ordered to pay £225 in costs together with a victim surcharge of £190.
9	2.7.21	In March 2020 officers from the Shared Regulatory Services visited the defendant's mobile food vehicle to carry out a food hygiene inspection. Following the inspection, the defendant's food business was issued with a food hygiene rating of 1, indicating that improvement was necessary. On a return visit in May 2020, officers discovered that the defendant had failed	The defendant was fined £400 for failing to display the correct Food Hygiene rating of 1 and a further £500 fine was imposed for displaying the invalid Food Hygiene rating of 3. He was also ordered to pay costs of £650 and a victim surcharge of £90.

		to display the food hygiene rating of 1 and was in fact displaying an invalid food hygiene rating of 3. The defendant was given the opportunity to discharge his liability for the offence by being offered a fixed penalty notice, but he declined. The defendant failed to attend court for the trial so the case was proved in his absence, with him being found guilty of both offences under the Food Hygiene Rating (Wales) Act 2013.	
10	2.7.21	In February 2020, officers from the Shared Regulatory Services attended a self-storage premises and discovered 9760 packets of counterfeit cigarettes in the defendant's storage unit. The cigarettes also failed to comply with the labelling requirements for cigarettes. The defendant attended court and pleaded guilty to two offences under the Trade Marks Act 1994 and to one offence under the Tobacco and Related Products Regulations 2016. The defendant runs his own shop, but the Probation Officer advised the court that the defendant had indicated that he had been storing the boxes for a friend who had given him £200 and he had not known that he was doing anything illegal. He had subsequently not been able to get hold of the friend.	In sentencing, the Magistrates advised the defendant that these were very serious offences and imprisonment was an option. However, given his previous clean character and his early guilty plea, they issued him with a 12-month Community Order requiring him to carry out 120 hours of unpaid work. They also imposed costs of £375 and a victim surcharge of £95. The seized goods had previously been made the subject of a Forfeiture Order.

11	22.7.21	The defendant had been investigated by SRS after being found to be an unlicensed dog breeder. The charges against him included the unnecessary suffering and mutilation (ear cropping) that he caused or allowed to be caused to the bulldogs he bred. The District Judge was of the view that the defendant had been motivated by greed and money and didn't care about the dogs save for what they could give him in profit. He had consistently given 'no comment' responses at interview and refused to provide SRS investigators with any details of purchasers and sellers. He had been evasive and uncooperative all the way through the investigation and to the probation service. The District Judge took the view that the defendant's comment to the investigating officers that by providing details of individuals involved in the dog world he would be labelled a grass, implies that had been dealing with unsavoury characters. He went on to say that he presents a risk to dogs and that in his opinion this individual doesn't need to be rehabilitated, he just needs to be kept away from animals.	The defendant was sentenced to 16 weeks in custody and a fine of £1,200 fine. He was also ordered to pay costs of £9,775 which must be paid with 14 days of his release. The District Judge disqualified him from keeping animals for a period of 8 years, and also prohibited him from applying for a revocation of the disqualification for 5 years. An order was made to deprive the defendant of the 8 puppies that were seized on the day of the warrant and in addition the 8 adult dogs that were present. These are to be released into the care of the Local Authority within 28 days of his release from custody. A £120 victim surcharge was also imposed.
12	23.7.21	During routine food hygiene visits to a smallholder in February and March 2020, officers from Shared Regulatory Services found live poultry intended for slaughter were housed in filthy conditions; the food processing room, slaughter room and equipment were dirty and covered in blood; foods were not protected from contamination; and animal carcases and waste	The defendant pleaded guilty to a range of offences under legislation covering both the poor hygiene and misdescription aspects of the case. He was fined £3500, ordered to pay £2000 costs and a victim surcharge of £190. He was prohibited from producing poultry on a commercial basis for five years.

		was not being appropriately stored or disposed of. Immediate intervention was necessary at the business when it was voluntarily closed, and the owner had worked with officers to ensure improvements. However later that same year, in October 2020, standards had lapsed, with poor practices reoccurring. Although a documented Food Safety Management System and cleaning schedules had been put in place, they were not being implemented. When asked, information was not available in relation to the traceability of foods, including where foods came from, and who they were supplied to. Between May and November 2020, chicken was purported to be locally sourced from the defendant's own farm and slaughtered and processed at his on-farm facility when it was not. In October 2020, he sold chicken to a retailer which contained a label that falsely described the poultry as being 'free range' when it was not.	
13	6.8.21	This case arose as a result of the anti-social behaviour caused to neighbours by a resident feeding wild birds. In October 2020, the defendant was served with a Community Protection Notice, requiring her to stop all feeding of birds on the land. However, in March 2021, the defendant was found to be feeding birds again. She was charged with offence**s** under the Prevention of Damage by Pests Act 1949, and a**lso** under the Anti-Social Behaviour Crime and Policing Act 2014 for failing to comply with the CPN	The defendant was fined a total of £1000 and was ordered to pay costs of £3,583.38 together with a victim surcharge of £100.

14	7.9.21	In July 2020, officers from the Shared Regulatory Services were alerted to a substantial number of products being placed on the market for sale with prohibited health claims and that provided misleading food information. The defendant company (which has a retail outlet as well as an online platform), and its Managing Director pleaded guilty to 9 specimen offences under the Nutrition and Health Clams (Wales) Regulations 2007 and the General Food Regulations 2004.	Both defendants were fined £1800 each and ordered to pay costs of £4000 each.
15	24.9.21	At the end of 2018, SRS officers became aware of reports that residents were being told that they had a problem with rats. In total, some 29 complaints were received. The defendant was charged in relation to apparent pest control work he claimed to have undertaken at the home of two elderly and vulnerable victims. Both victims had been cold called by the defendant. In one case, the defendant told the victim she had rats in the loft. She paid him £11,400 over the course of 8 days to 'rectify' the alleged rat infestation and replace a roof tile. When officers investigated the matter, they discovered that the roof tile was still lose and there was no indication there had ever been rats. In the case of another victim, the defendant claimed to be from Environmental Health and said that he had found rats in the rear garden. This resident subsequently paid the defendant £10,400 over the course of 3 months, and described how he would 'get nasty' if she did not agree to pay him.	The defendant was sentenced on both counts to 12 months imprisonment to run concurrent but consecutive to his current prison sentence.

		The defendant had a number of previous convictions for dishonestly offences and has been serving a prison sentence since October 2019 when he was convicted of three burglaries. In sentencing, the Recorder told the defendant that he had taken advantage of two elderly and vulnerable women living alone who were clearly targeted. These were 'serious and mean' offences where he asked for money in circumstances that would have made the victims scared and in a panic. The amounts that the defendant took were substantial and the court would not tolerate this predatory behaviour. The offences were so serious that only imprisonment would be appropriate.	
16	30.9.21	The defendant in this case was the landlord of a 3-storey property which was being let to 5 un-related people who shared kitchen and bathroom facilities. SRS officers visited the property after a complaint was made by one of the tenants. The visit revealed that the property lacked an adequate fire alarm system, had a defective electrical installation and an insecure carpet to the first floor. The defendant subsequently failed to provide electrical reports when requested to do so and was found to be operating a licensable house in multiple occupation without a licence. He pleaded guilty to 5 charges under the Management of Houses in Multiple Occupation (Wales) Regulations	The defendant was fined £834 and ordered to pay costs of £350 together with a victim surcharge of £83.

		2006.	
17	21.10.21	The defendant in this case was just 19 years old when he travelled from England to South Wales and told a resident that roof repairs were needed to their home. He claimed that there was a problem with the ridge tiles and that the roof membrane was full of tears (he showed the resident video clips apparently of the membrane, to illustrate this). The resident paid £1580 for the work, only to find later that bits of membrane had simply been stapled to the roof joists. A chartered surveyor later confirmed that the work was of exceptionally poor standard and that it appeared that the tears had been *deliberately made* in the underfelt. It cost the resident a further £600 to rectify the problems. The defendant pleaded guilty to one offence under the Fraud Act 2006, and in mitigation claimed that the crime had been led by the two older men who accompanied him to the property. He had travelled a long way from home and was concerned that he wouldn't get paid if he didn't do as they told him.	In sentencing, the Magistrates took into account the defendant's early guilty plea, the fact that he had no previous convictions and his co-operation with the probation service. He was given a 1 year community order with a 15 days rehabilitation requirement and was ordered to carry out 80 hours of unpaid work. Costs of £1219 were awarded to the prosecution and the defendant was ordered to pay compensation of £2180.
18	26.10.21	The defendant in this case is the owner of a caravan site, and he was charged under the Mobile Homes (Wales) Act 2013 for knowingly or recklessly providing information which was false and which would cause a potential purchaser of a residential mobile home to decide not to do so. The offence is more commonly	The defendant was fined £1400 and ordered to pay costs of £600. In addition, £10,000 was awarded to the complainant to compensate him for the loss in sale price.

		known as ‘sales blocking’. In October 2019 SRS received a complaint from the owner of a residential mobile home at the site owned by the defendant. The complainant had inherited the property following the death of his parents. The complainant advertised the property for sale and secured a purchaser who then completed the obligatory Proposed Sale Form which was submitted to the defendant. The purchaser had indicated on the form that he intended to park a Mitsubishi car on the site. The site rules precluded the parking of any commercial vehicles, touring caravans or camper vehicles on the site. The defendant applied to the Residential Property Tribunal for a Refusal Order in an attempt to stop the sale as he claimed he had received a telephone call from the purchaser claiming he wanted to park a campervan on the site next to the mobile home. This was vehemently denied by the purchaser who confirmed that he did not and had never owned a campervan and had not made any calls to the park. The Refusal Order was not granted by the Tribunal and the sale was eventually completed, albeit at a substantially lower price as the complainant had felt the need to reduce the sale price given the delay caused to the purchaser. In giving his decision, the District Judge confirmed that the evidence given by the prosecution was consistent and clear whilst the evidence given by the defendant was evasive and inconsistent. The defendant had clearly made the false statement thinking that nobody	

		would do anything about it, and it was clear that he had done this before.	
19	28.10.21	A landlord and a lettings agency were charged with offences under the Housing Act 2004 for letting a property, licensed under Part 2 of the Act, to be occupied in excess of the permitted number of persons. Charges also related to their permitting a part of the property which was prohibited from use by the terms of the licence, to be used as habitable accommodation. Advice had previously been given by officers of Shared Regulatory Services to the effect that the 2nd floor room was not to be used as a bedroom due to fire safety / means of escape issues, and a licence under Part 2 of the Housing Act 2004 was granted for the property to be occupied by a maximum of 3 persons. However, a visit by SRS September 2019 revealed that the house, including the 2nd floor room, were occupied by 4 persons in contravention of the conditions of the licence.	Each Defendant received a fine of £1400, costs of £200 and a victim surcharge of £140.00.
20	24.11.21	This doorstep crime case against two defendants arose from complaints being made by a number of local residents. The men made false representations that roofing work was needed when it wasn't, with scare tactics being used to suggest that there were major problems and a danger of roof collapse. The court heard how the defendants would quote excessive sums for work that did not need doing and	One of the defendants was sentenced to 3 years in prison, while the other received a prison sentence of 22 months.

		then, when consumers were at their most vulnerable as their roof was exposed, they would 'find' other urgent work which required a significant escalation in the already extortionate cost. One of the residents was in poor health and unfortunately passed away while the roofing work was ongoing at his home, and so callous were the defendants that the morning after the gentleman's passing, they visited the his widow to demand payment. Both defendants pleaded guilty to 3 offences under the Fraud Act 2006. In sentencing, the District Judge referred to the defendants as contractors who were consistently dishonest and had adopted a greedy and callous approach which caused distress to consumers. He considered that the defendants' behaviour had been a contributing factor to the distress caused to the deceased resident in his final days. The defendants were determined to hit people when they were financially vulnerable and felt that they had no choice but to agree to having work carried out. While giving the 25% discount for early guilty pleas, the District Judge stated that the defendants were highly culpable and had abused their power in offences that were pre planned.	
21	6.1.22	The defendants in this case were a husband and wife who ran a profitable dog breeding business. Despite being advised repeatedly by Shared Regulatory Services that the business needed to be licensed for	Both defendants were sentenced on the first count to a fine of £10,000 and on each subsequent count a fine of £1,000, making a total of £19,000 each and therefore a total fine of

		dog breeding, the couple chose not to apply to become licensed. In December 2019, following the execution of a warrant at the couple's home, a number of animal welfare offences were identified. Prior to the court appearance on 6th January 2022, the defendants had previously pleaded guilty to one charge under section 13 of the Animal Welfare Act (unlicensed breeding) and a further nine charges under section 9 of the same legislation (duty to ensure welfare). The court heard how the couple had been registered with 5 different veterinary practices and litters were registered with different names and different addresses to avoid detection by both the local authority and the Kennel Club. Evidence was presented of the number of litters born to individual dogs in a short space of time – each one being artificially inseminated soon after the last litter, failing to give the mother sufficient time to recover. On sentencing, the Judge commented that the couple had chosen not to get a dog breeding licence and the reasons that they gave for doing so were wholly inadequate. What the defendants had done with regard to the breeding of the bitches flies in the face of veterinary advice which they chose to ignore. While the conditions at the home address do not compare to a puppy farm, this was what was being run to make money. The fines imposed reflect both the defendants' means and the money that has been made.	£38,0000. The Judge also ordered the defendants to pay the prosecution costs of £43,775.50, together with a victim surcharge of £175 each. With regard to the Proceeds of Crime hearing, the amount of benefit agreed by the Court was £372,531.54. The defendants have assets to realise this amount and were ordered to pay within 3 months or each face a custodial sentence of 2 years.

22	11.2.22	The defendant in this rogue trader case had previously pleaded guilty to 21 Charges; 11 under the Fraud Act 2006 and 10 further charges under the Consumer Protection from Unfair Trading Regulations 2008. The case involved multiple victims who had lost a significant amount of money for building work not completed or in some cases work that was never started. The court heard that customers were taken in by a professional looking business Facebook page. They were told by him to pay an upfront deposit to 'secure a slot' for the work to be done, and the defendant would tell them how busy he was to get them to pay. Attendance of the defendant at the residents' homes was sporadic, and he would often say he was leaving to collect materials or to deal with a family emergency. When victims had had enough of the excuses and contacted the defendant for a refund (to enable them to engage another trader to get the work completed), he would often get aggressive and abusive. Several Victim impact statements provided by victims as to how dealing with the defendant had impacted their life were read out to the court. On sentencing, the Judge described the defendant as being calculated, manipulative and sometimes aggressive. He had been paid to complete work that	The defendant was sentenced to 16 months imprisonment and a Proceeds of Crime investigation continues.

		at best, was substandard or faulty but mostly that money had been taken and no work done at all. He had defrauded unconnected people including single mothers, NHS workers and a widow causing a loss of approximately £50,000. These people had not just lost money to him but then had had to pay more money to get the work rectified or completed. had provided numerous excuses as to why he hadn't attended or completed the work. He had screamed at a single mother taunting her that 'he would burn her money in her face' and had made a malicious and false complaint about a member of the police force hoping that this would deter her from continuing her complaint with Trading Standards. He had had plenty of time to repay the monies back in light of the early incident that was highlighted by the defence. He has not repaid any of the victims and as a direct result of his actions, people have been left in debt, lost money that was part of an inheritance or had taken from their pension funds.	
23	3.3.22	This case followed a visit by Shared Regulatory Services to a take-away food business in September 2020. The officers' inspection identified a number of food hygiene offences including • a failure to ensure the premises were kept clean • failure to implement and maintain procedures	In sentencing, the Magistrates confirmed that they gave the defendant full credit for the early guilty plea, accepted that the premises had been improved and that the defendant had no previous convictions. However, they were clear that these were very serious incidents and presented a serious risk to people's lives and health. The defendant was fined a total of £1760 and ordered to pay costs of £1100 as well as a victim surcharge of £176.

		based on HACCP principles • failure to provide sufficient washbasins and • failure to ensure that food, cooking utensils and raw materials were kept clean to avoid cross contamination. The defendant subsequently pleaded guilty to 8 offences under the Food Hygiene (Wales) Regulations 2006. In mitigation the defendant's solicitor told the court that the business consists of the defendant and their spouse who is the chef. Improvements had been made at the premises - a new floor has been laid and a whole new fridge system has been put in. A further visit by SRS in November 2020 acknowledged the improvements made.	
24	25.3.22	The defendant in this rogue trading case had pleaded guilty to 4 counts of theft and one count of fraud earlier in March 2022. The hearing followed a series of delays caused by the defendant failing to appear as required in court and as a result, he faced an additional charge under the Bail Act. The trader had engaged with residents to carry out work at their homes, and each paid a substantial deposit upfront on the basis they were paying for materials and labour. In each case, some work was carried out but then ceased. As a result, consumers were forced to employ	The defendant was sentenced to 33 months imprisonment on each count of theft and fraud to run concurrently and 3 months imprisonment for the Bail Act offence to run consecutively to the others. That gave a total imprisonment of 3 years. No compensation orders were made due to the defendant's lack of funds, and there was no order for costs.

		other traders to complete the work at further cost. In each case, the prices quoted by the defendant appeared very reasonable, even unrealistic, suggesting that there was never any intention to carry out the work. Of particular concern was the fact that the defendant claimed to be a certified electrician when he had no such qualification and some of the jobs were left in a dangerous state. In mitigation, a number of health issues were cited, including a heart condition which had caused the defendant to cease building work. He had also been forced to declare bankruptcy. In sentencing, the Judge told the defendant that he had quoted competitively to get people to hire him and then lied about his qualifications and experience. The work carried out was sub-standard or not carried out at all. He went on to describe the defendant as the epitome of the 'cowboy builder' who had caused significant harm and inconvenience to his victims. These were serious offences and the defendant also had previous convictions, which was an aggravating factor.	

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Shared Regulatory Services

Business Plan

2022/23

Shared Regulatory Services | Gwasanaethau Rheoliadol a Rennir

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council

Cardiff Caerdydd

Vale of Glamorgan Bro Morgannwg

Foreword

The creation of this 2022-23 Business Plan marks the start of the eighth year of the Shared Regulatory Service. In delivering the Environmental Health, Trading Standards and Licensing functions on behalf of the three partner authorities since 2015, we have never shied away from change. Indeed, our very ability to embrace change and to evolve, right from the outset, has made SRS the responsive, adaptable organisation it is today.

Nevertheless, the last two years have seen unprecedented levels of change for the Service on a number of different levels, most notably in playing our role, front and centre, in the Public Health response to the COVID 19 pandemic. This involved multiple staff being seconded from their substantive roles to lead on the various areas of our response, including supporting the Test, Trace Protect (TTP) service with cases needing escalation; supporting high risk settings such as care homes to minimise the potential spread of the disease; enforcing the Health Protection (Coronavirus Restrictions) (Wales) Regulations to ensure businesses complied with the relevant limitations on their trading and had all the necessary safety measures in place; and carrying out checks to ensure individuals complied with self-isolation requirements. All of these activities played an essential part in minimising the risk of disease transmission, and it will be important for the Service to retain these skill sets in the event of a new coronavirus variant of concern appearing in the coming winter.

The last 2 years, however, have not just been about COVID-19, although sometimes it may have felt that way, and throughout this time SRS Officers not directly involved in the 'COVID effort' worked tirelessly to continue to provide regulatory services across the three authorities; all this in a challenging environment of covid restrictions, and fewer staff resources caused by colleague secondments and recruitment pressures.

As we enter 2022-23, our main vision for the coming year is one where the Service continues its transition from the unique challenges of the pandemic towards much more of a 'business as usual' rhythm where we attempt to recover from the challenges of the last two years. We will focus on the recovery of traditional inspection programmes, chief among these of course will be our alignment with the Food Standards Agency Recovery Plan for food hygiene and food standards. We also look forward to re-focusing on our role in supporting legitimate businesses through tailored packages of advice and guidance, while taking firm action against rogue traders and others who act recklessly or who flout the law. Our Business Plan reflects this and sets out a number of key challenges facing the Service, not least the need for our work to respond to the impact of global events such as the Cost of Living crisis, the Climate Change agenda, EU Exit and of course the war in Ukraine.

Capturing the views of staff on our post-pandemic ways of working and in defining our hybrid model will be crucial in the months ahead, as will finding solutions to the difficulties we currently face in filling certain vacancies, and the latter will be picked up in a dedicated SRS recruitment and retention workstream.

In presenting my first Business Plan as Head of Shared Regulatory Services, I reflect on the words, this time last year, of my predecessor, when he said

'We remain an organisation that is performing well; an organisation that is vibrant and ready to do things differently; an organisation that is doing all it can to keep people safe'

How well these words have stood the test of time; they remain just as relevant now as they were then. I couldn't be prouder of our staff in all that they are doing, have done, and will do in the future to deliver first class services. It is all thanks to them that SRS has been able to rise so effectively to the challenges of the pandemic, as well as to the challenges and opportunities facing us as we emerge from it and embark on the next chapter for the Service.

Helen Picton
Head of Shared Regulatory Services

1. Shared Regulatory Services

Shared Regulatory Services (SRS) is a collaborative service formed between Bridgend, Cardiff and the Vale of Glamorgan Councils on 1st May 2015. SRS delivers a fully integrated service under a single management structure for trading standards, environmental health and licensing functions with shared governance arrangements ensuring full elected member involvement.

SRS operates under a Joint Working Agreement (JWA) whereby the Head of SRS reports on service provision to a Joint Committee of elected members drawn from across the three parent Councils. An officer management board has oversight of the operation of the service and provides support to the Head of Shared Regulatory Services to ensure the development and delivery of a shared vision and strategy for Regulatory Services.

The detailed delegations of policy and functions from partners to the Joint Committee and Head of Service are set out in the Joint Working Agreement which includes:

- The functions to be carried out by the joint service.
- The terms of reference and constitution of the Joint Committee, the Management Board etc.
- The terms of the proposed joint service such as staffing, the services to be provided by the host and other partners, financing and other functional issues.
- Financial Operating Model.

Consequently, the SRS works across the three Councils supporting a range of Committees and where needed, the three Cabinets, to deliver the Regulatory function. The workflow involves quarterly meetings with the officer Management Board followed by meetings of the SRS Joint Committee, details of which are then communicated to all three Cabinets. Officers meet members of the Joint Committee on a regular basis to ensure both regional and local issues are considered and managed appropriately.

Details of all of the SRS Joint Committee meetings since April 2015 are held on the websites of each Council. The reports depict the genesis, development and future direction of the SRS.

Key services offered

The service delivers a diverse and comprehensive range of functions that safeguard the health, safety and economic wellbeing of consumers, businesses and residents covering the main areas of environmental health, trading standards and licensing. These broad areas encompass a wide spectrum of services that deal with issues that can have a huge impact upon people when things go wrong or have not been enforced properly /or when there is poor compliance.

Food Hygiene and Standards

Food Hygiene and Standards protect public health by ensuring that the food we eat is without risk to the health and safety of consumers and is correctly described throughout the food chain. This is achieved through regular food and feed safety and standards inspections of food business and guest caterers, operating the Food Hygiene Rating Scheme, providing practical advice, investigating food safety and standards complaints, carrying out food and water sampling and undertaking checks on imported food.

Fair Trading

Fair Trading protects consumers and businesses by maintaining and promoting a fair and safe trading environment. This area of work ensures that businesses comply with a host of consumer protection statutes including those relating to:

- Product safety;
- Age restricted sales;
- Counterfeiting;
- Environmental safety;
- Weights and measures
- False claims about goods and services;.

The service investigates complaints, participates in criminal investigations and enforcement exercises, conducts inspections of businesses, undertakes a sampling programme, and helping businesses improve their trading practices.

Safeguarding

Our safeguarding work ensures we investigate cases of malpractice including rogue traders, scams and doorstep crime. We provide consumer advice to vulnerable residents and help them obtain redress.

Metrology

SRS has the only UKAS accredited **Metrology** laboratory in Wales providing calibration of weights and measures of length and capacity.

Housing Safety

Housing Safety protects public health by working with private landlords and owners to provide warm, safe and healthy homes for tenants. Officers ensure that Houses in Multiple Occupation are licensed through Mandatory and Additional Licensing Schemes, inspect HMO's and improve physical and management standards of privately rented accommodation. Complaints from tenants about their rented accommodation are investigated. These can include complaints about damp, mould, heating disrepair, nuisance and student housing issues. Problems with empty homes that have fallen into disrepair are also addressed.

Noise Pollution

Pollution also protects public health by controlling noise and air emissions into the environment. The service investigates noise complaints about issues such as amplified music, DIY activities, house and car alarms, barking dogs, and construction sites. It investigates air pollution complaints involving smoke, dust and odour and illegal burning, undertakes environmental monitoring, local Air Quality Management and regulates emissions from industrial processes.

Air Pollution

Port Health

Port Health prevents the import of infectious and animal disease into the UK, ensuring ships comply with international agreed public health sanitation standards and improves the safety and quality of the food chain.

Contaminated Land

Contaminated Land protects public health by reviewing and implementing the Contaminated Land Strategy which ensures the identification, inspection and remediation of historically contaminated sites. Private water supplies used for both domestic and commercial purposes (such as drinking, cooking, and washing) are regulated and Environmental Information Requests and Planning application consultations are responded to.

Health and Safety at Work

Health and Safety protects the health, safety and welfare of staff, contractors and any member of the public affected by workplace activities by working with others to ensure risks in the workplace are managed properly. This is achieved by undertaking planned inspections and targeted initiatives, investigating reported accidents, diseases, dangerous occurrences and complaints, providing advice and guidance to employers and employees and securing safety standards at outdoor events.

Communicable Disease

Communicable Disease protects public health by controlling and preventing cases and outbreaks of infectious disease by investigating confirmed sporadic and outbreak cases of communicable disease. The service provides and reviews advice and guidance on infection control, cleaning and disinfection, case and contact exclusions, provides training on food hygiene, nutritional and infection control, enforces health protection legislation to minimise the spread of communicable disease and contamination from radiation and chemicals that threaten health and leads on local and national communicable disease surveillance programmes.

Animal Health and Welfare

Animal Health and Warden Services ensure the wellbeing of animals generally. This includes ensuring feeding stuffs provided to animals are safe and that animals are transferred humanely and animal movements are monitored to prevent the spread of diseases such as Rabies, Anthrax and Foot and Mouth. Our Wardens respond to complaints about straying animals such as dogs and horses.

Licensing

Licensing determines applications for the grant, renewal, variation and transfer of many different authorisations which are the responsibility of the Councils. Applications for licences, certificates, registrations and permits are processed and enforcement undertaken in respect of statutory requirements such as alcohol, public entertainment, gambling, street trading, taxi licences, charitable collections and animal related licensing.

Wales Illegal Money Lending Unit

The **Wales Illegal Money Lending Unit** is one of only 4 units operating across the UK. The Unit covers all 22 Local Authority areas in Wales with the key aim of tackling the problem of illegal money lending. The Unit is both proactive and reactive in its work providing education and promotion across Wales to various social groups and highlighting the dangers of illegal lending. The Team also carries out detailed investigations with a view to prosecuting offenders and has the capabilities to act swiftly where necessary to deal with victims of loan sharks.

Working with Business

Shared Regulatory Services has adopted a more commercial approach by developing paid for services and marketing them to businesses. These commercial activities enhance and complement existing statutory services and provide income generation for the service. They include:-

- Bespoke and accredited training solutions to businesses to assist in achieving legal compliance;
- Paid for business advice visits and 'health' checks from our highly skilled and experienced officers to help and support businesses to comply with legislation;
- Developing Primary Authority partnerships for businesses that trade across council boundaries where they can enter into a legally recognised partnership with the Service, receiving an agreed package of advice and support;
- Marketing the only UKAS Metrology Laboratory in Wales providing calibration of weights and measures of length and capacity;
- Extending and reviewing training offerings to meet business needs;
- Identifying new funding sources;
- Exploring potential income generating services and developing paid for services.

Pest Control offers services to the Vale area for the treatment of pests and infestations. This could include, rats, wasps, mice, fleas, cockroaches etc.

Covid-19 - The unprecedented challenges of the Covid-19 outbreak has seen SRS adapt and work in partnership to reduce the transmission of the virus across the region. This continues to be achieved through our significant commitment to the Test Trace and Protect regime, the investigation of clusters and incidents, the provision of advice to business to operate safely, and ensure compliance with regulations and self-isolation requirements.

The SRS delivers a range of statutory duties for the partner Councils and also functions where the Council has been given powers in legislation to safeguard and protect local communities. Determining the relative importance and value of council services when deciding on where to make savings or service reductions is not easy. Often the debate starts with a focus on determining whether a service is 'statutory' or 'discretionary'. Defining services as 'statutory' or 'discretionary' is perhaps unhelpful. Services that keep people healthy, well and safe; support businesses to flourish and thrive; protect and enhance our environment are essential. In this plan we have sought to clarify the legal basis for a service or how it contributes to wider council responsibilities, but many SRS functions cannot be easily defined in this way; some are extensions of 'statutory' activity whilst other services have developed over time to become longstanding, highly valued and central to the work of each council.

Area Profile

Shared Regulatory Services covers the Council areas of Bridgend, Cardiff and the Vale of Glamorgan and serves over 650,000 residents. Extending from St Mellons in the east to Maesteg in the west, the area encompasses Cardiff, the capital City of Wales with its array of cultural, financial and commercial organisations and the rural areas of Bridgend and the Vale of Glamorgan with their vibrant tourist and agricultural economies.

Bridgend is situated on the south coast straddling the M4 corridor. It comprises an area of 28,500 hectares and a population of over 140,000 residents. To the north of the M4, the area consists of mainly ex-coal mining valley communities with Maesteg as the main centre of population. To the south of the M4, the ex-market town of Bridgend is the largest town, the hub of the economy and its employment base. To the south west on the coast lies Porthcawl, a traditional seaside resort, with a high proportion of elderly residents, which is subject to a major influx of tourists during the summer period.

Cardiff is the capital city of Wales and is continuing to grow faster than any other capital city in Europe. In population terms, it is the largest city in Wales with a population of nearly 370,000. Measures of population however, belies Cardiff's significance as a regional trading and business centre. The population swells by approximately 70,000 daily with commuters and visitors. Cardiff is the seat of government and the commercial, financial and administrative centre of Wales. Cardiff boasts one of the most vibrant city centres in the UK and on a typical weekend, Cardiff's night time economy can attract over 40,000 people and sometimes more than 100,000 when the City's Principality Stadium hosts international events.

The Vale of Glamorgan is bounded to the north by the M4 motorway and to the south by the Severn Estuary. It covers 33,097 hectares with 53 kilometres of coastline, and a population of over 130,000 residents. The area is predominantly rural in character, but contains several urban areas of note such as Barry, Penarth, Dinas Powys and the historic towns of Cowbridge and Llantwit Major. Barry is the largest town, a key employment area and popular seaside resort. The rural parts of the Vale provide a strong agricultural base together with a quality environment, which is a key part of the area's attraction. The area includes Barry Docks and Cardiff International Airport.

Staff resources

Our organisational structure focuses upon generic working and the development of multi-disciplinary officers, while retaining the capacity to develop specialist professionals. The structure allows the deployment of people in different ways enabling the service to offer income-generating services that complement the more traditional services. The Service operates across 3 distinct sectors:-

Commercial Services ensure that businesses comply with a host of consumer and public protection requirements in areas such as food safety, health and safety at work, trading standards in retail premises, communicable disease and port health. This function is populated in the main by professionally qualified Commercial Services Officers and Technical Officers. Commercial Services Officers are professionally qualified officers in environmental health and trading standards who focus on more complex issues while Technical Officers, with appropriate levels of qualification and competence, fulfil a monitoring and 'triage' role supporting the Service undertaking inspections, compliance checks and providing information and issuing alerts to more qualified officers if they identify major non-compliance issues.

Neighbourhood Services deals mainly with activities relating to residential premises or those that have an impact on the local community such as housing in the private rented sector, noise and air nuisance and licensing. This function consists of multi-disciplined and professionally qualified officers known as Neighbourhood Services Officers and Technical Officers who deal with both Pollution and Housing issues. This move towards more generic working provides greater resilience to service provision across the three areas. The Licensing function retains local distinctiveness and governance arrangements within the three authorities.

Enterprise and Specialist Services (ESS) is the most diverse of the services and incorporates discrete specialisms such as air quality, contaminated land, pest control, animal welfare, major investigations, safeguarding, the Wales Illegal Money Lending Unit, our Industry team and the Business Support function. There is an intentional overlap of service provision between other sectors of the SRS; this creates flexibility and resilience across all teams so that resources can be shared should the need arise, for example, the Major Investigations Team supports the whole of SRS in investigating and enforcing significant breaches of legislative requirements. ESS has a role in generating income, managing the UKAS Metrology Laboratory, delivering training and assessing the potential for higher accreditation levels to attract additional business, engaging in Primary Authority partnerships and developing paid for advice services. The Business Support function provides centralised administrative support to the whole service and has a presence in all three areas at local contact points providing the main customer interface for the Service.

2. Service aims and strategic priorities

Shared Regulatory Services plays a key role in delivering the aspirations and priorities of Bridgend, Cardiff and the Vale of Glamorgan Councils through the delivery of a wide range of services. We have developed a vision, supported by a suite of strategic priorities, that sets out our ambition of being a progressive and innovative organisation. This allows us to deliver high quality, customer focussed services that safeguard the environmental, social and economic wellbeing of our citizens.

Our vision:-

To be the leading provider of regulatory services that safeguard the health, safety and economic wellbeing of the region

As a regional organisation providing regulatory services across three local authority areas, we place the corporate priorities and outcomes of the three councils at the heart of all that we do. In developing our own strategic priorities for Shared Regulatory Services, we have considered the priorities and desired outcomes of all the three authorities, together with the needs and aspirations of our partners and customers so they translate into priorities that meet local needs.

Supporting these strategic priorities, are a number of outcomes that the Service aims to deliver and which are evidenced throughout this Business Plan. Our vision and outcomes will be achieved through the following primary aims:

- Understanding the needs of our customers and placing their needs at the heart of the services we deliver;
- Developing a flexible and agile workforce that is responsive to change and that have the right skills to deliver quality services that meet the needs of our customers and local communities;
- Maximising internal efficiencies to enhance service quality;
- Exploring opportunities to innovate and develop, and
- Working together to future proof the service to meet financial challenges and future demands

Corporate priorities and outcomes of partner local authorities

Bridgend County Borough Council

Priorities

- Supporting a successful sustainable economy
- Helping people and communities to be more healthy and resilient
- Smarter use of resources

Outcomes/Aims

- Support local people develop skills and take advantage of opportunities to succeed.
- Create conditions for growth and enterprise
- Create town centre and communities that improve the quality of life for citizens
- Give people more choice and control over what support they receive ...
- Reduce demand through more targeted early help and intervention programmes
- Develop more active, healthy and resilient communities...
- Ensure the Council is financially sustainable over the longer term.
- Improve efficiency and access to services...
- Work collaboratively to make the most of natural and physical assets
- Develop the culture and skills required to meet the needs of a changing organisation

City of Cardiff Council

Priorities

- Cardiff is a great place to grow up
- Cardiff is a great place to grow older
- Supporting people out of poverty
- Safe, confident and empowered communities
- A Capital City that works for Wales
- Cardiff grows in a resilient way
- Modernising and integrating our public services

Outcomes/Aims

- Cardiff is a great place to grow up
- Cardiff is a great place to grow older
- Supporting people out of poverty
- Safe, confident and empowered communities
- A Capital City that works for Wales
- Cardiff grows in a resilient way
- Modernising and integrating our public services

Vale of Glamorgan Council

Priorities

- To work with and for our communities
- To support learning, employment and sustainable economic growth
- To support people at home and in their community
- To respect, enhance and enjoy our environment

Outcomes/Aims

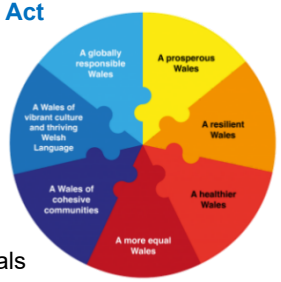
A Vale that is:

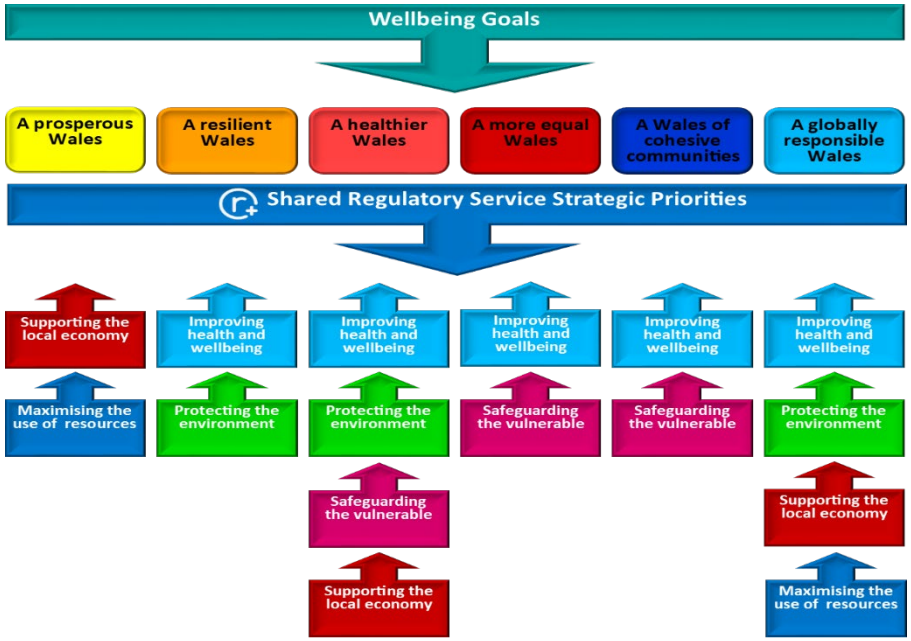
- Inclusive and Safe
- Environmentally Responsible and Prosperous
- Aspirational and Culturally Vibrant
- Active and Healthy

Nationally the service also contributes to the National Enforcement Priorities for Wales for local regulatory delivery which highlight the positive contribution that regulatory services, together with local and national partners, can make in delivering better outcomes, i.e.

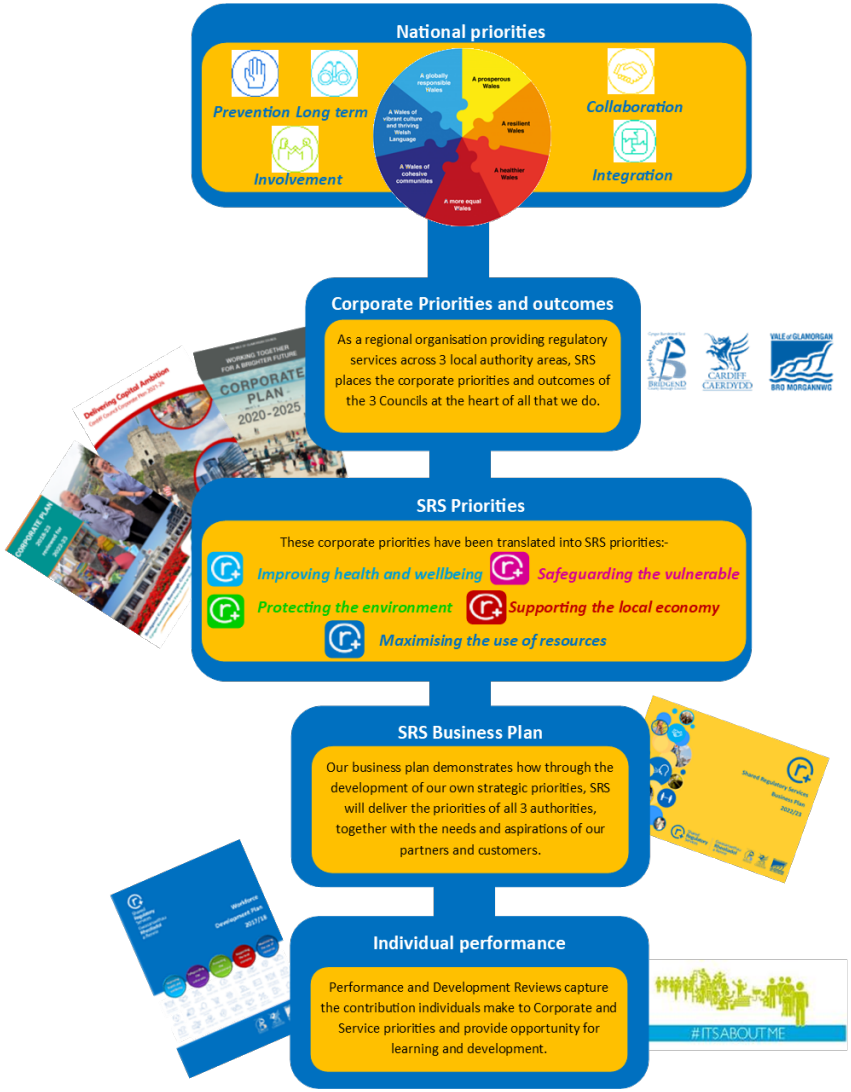
- Protecting individuals from harm and promoting health improvement;
- Ensuring the safety and quality of the food chain to minimise risk to human and animal health;
- Promoting a fair and just environment for citizens and business;
- Improving the local environment to positively influence quality of life and promote sustainability.

Furthermore, the **Wellbeing of Future Generations Act 2015** sets out seven wellbeing goals to which public bodies, including local authorities, are expected to maximise their contributions. The goals provide a framework for focussing work on outcomes and delivery for the long term wellbeing of Wales. Shared Regulatory Services' core business activities, outcomes and strategic priorities are inter-related and make a significant contribution to these wellbeing goals. How Shared Regulatory Services contribute to these goals through its priorities is demonstrated below.





Delivering our vision, aims and priorities



3. Challenges

Delivering a service across three local authority areas is an exciting but challenging role. In this context, we define challenges as new or demanding events that will require additional effort and determination to manage successfully; something that goes beyond our existing norms. Understanding the challenges ahead is therefore crucial to delivering the vision set out in section 2. Even after seven years, the Service continues to balance the development of a new and innovative operating model along with the expectation of delivering "business as usual". There are many factors crucial to our success and the following information demonstrates the actions for the Service in 2022/23, and our risk management approach (Appendix 1).

Delivering the SRS in the future - We are delivering the SRS with a reducing resource. For example, our move toward the Intelligence Operating Model will mean delivering our services using a risk based approach to our activities, where appropriate. We have to examine and introduce new ways of prioritising our services which may result in a reduction in service provision, or the charging for some services and difficult decisions about the level of service provision. These efforts will help reduce the impact of reduced funding, but maintaining performance in light of budget cuts may affect the service ability to maintain performance at existing levels. We will however seek to measure activities and outcomes to ensure performance is managed effectively and in a meaningful way. (RR1)

COVID-19 - The unprecedented challenges posed by COVID-19 saw officers adjust to altered work and personal routines. At a service level, priorities had to be redrawn quickly to focus regulatory efforts on the most urgent issues facing the region and the public as a result of the pandemic. As COVID restrictions reduce in line with the transition from pandemic to endemic, so too has the SRS resource needed to support the Test Trace and Protect (TTP) contact tracing service and compliance with COVID rules. Moving into 2022-23, the role of SRS in respect of COVID-19 transitions to one of supporting high risk settings, such as care homes, to prevent the spread of the disease among the most vulnerable. This respite is welcome in enabling the return of further staff to their substantive posts and for 'business as usual' priorities, such as the food hygiene and food standards inspection programmes to recover. At the same time, we are very aware of the likelihood of further COVID-19 variants of concern emerging as we approach the winter months, and the very real possibility of having to allocate significant resources once again to supporting TTP and business compliance work. For this reason, it will be crucial for staff skill sets in these contexts to be maintained. (RR1)

Managing complex financial processes – Managing resource in the Service is complex, but critical. Understanding the cost of providing a service funded through three local authorities is fundamental. Crucial to this is reflecting the provision of 'core' services that are consistently applied across all three areas and 'authority specific' services that are those that are specific to one or two authorities so that finances are understood. (RR3)

ICT – The success of Shared Regulatory Services is in part due to embracing the opportunities presented by technical and mobile working solutions. Agile working has become the norm for the service yet, through staff consultation sessions, our officers tell us that the technology currently deployed is becoming outdated. Research indicates that better facilities now exist and the SRS will work with officers and ICT to understand the benefits of exploiting these newer technologies to ensure that our officers can continue to operate as efficiently as possible within financial constraints. (RR4)

Recruitment and retention – We have always committed to the resourcing of training to develop people within the organisation to ensure competency within their roles. Our focus however has been more toward the immediate needs of officers to enable delivery of our five strategic priorities. It is clear that a longer term strategy for recruitment and retention is needed as SRS, in common with regulatory services across Wales, experiences difficulty in recruiting and retaining staff. The cause of the problem appears to be multi-faceted, with factors such as a limited pool of qualified staff, accessibility of the professional qualifications and an ageing workforce all contributing to something of a perfect storm. SRS has been at the forefront of taking forward the Directors of Public Protection Wales *'Building for the Future'* strategy, and in making the case to Welsh Government for a regulatory apprenticeship in Wales to create a route into regulatory services for young people. The creation of a recruitment strategy and the development of retention "initiatives" will be a key target for the SRS management team during 2022/23. Our goal must be to retain our officers and ensure they achieve the job satisfaction that underpins service excellence. (RR2 and RR5).

Remaining relevant to the three Councils – The creation of SRS delivering services across three local authority areas resulted in the transfer of the administration of services and staff to the Vale of Glamorgan Council who act as the host authority for the Service. The Service, although jointly funded by the participant authorities, also has a single consistent identity and branding which is not associated with any one Council. Notwithstanding this, the Covid-19 pandemic and the key involvement of SRS in TTP and the enforcement of Coronavirus Regulations has put the service in the spotlight but we will still need to actively promote the Shared Regulatory Service and the important services we provide across the three Councils to ensure their continuing support for the venture. (RR8)

New legislation – The implementation of new legislation and any requirements imposed by such legislation can place additional burdens on the Service. It requires new processes to be developed, awareness raising to be undertaken with stakeholders, staff training and additional inspections etc. Generally new requirements can be planned for and effectively resourced, for example the Public Health (Wales) Act and the Public Health (Minimum Price for Alcohol) (Minimum Unit Price) (Wales) Regulations, however, it is not always easy to predict the impact that new legislation may have on resources, as the last 2 years has shown. We are prepared to adapt the Service accordingly to ensure businesses can continue to function and consumers are not disadvantaged. The great uncertainty is the quantum of change and the unknown time scales within which that change must take place. (RR6)

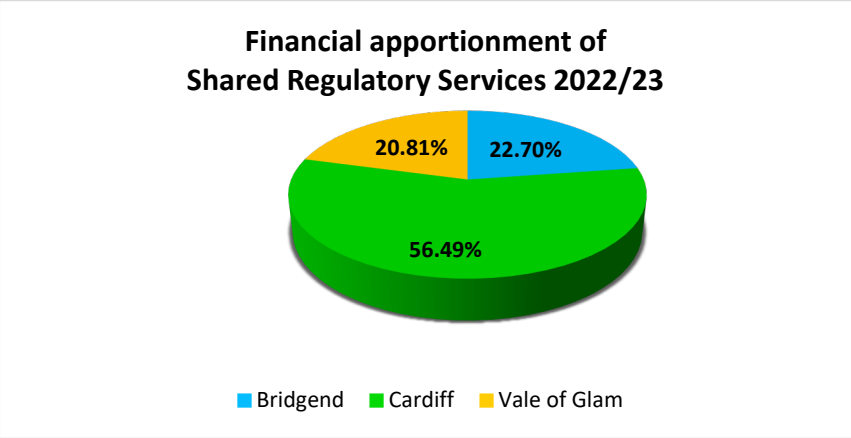
Out of Hours - SRS operates an "out of hours" duty rota to enable the service to respond to incidents that arise outside normal office hours. These responses include responding to nuisance calls relating to burglar alarms, food incidents, etc. To date, officers have operated the rota on a voluntary basis across the service. However, the number of officers willing to participate in the rota is reducing to the extent that the service delivery is becoming uncertain. Coupled with this has been the success of the Joint Enforcement Teams which has raised stakeholder expectation. The SRS management team needs to understand the consequences of that success and review this position and put forward options for these aspects of the service. (RR7)

The cost of living crisis – The full extent of the cost of living crisis has yet to be seen, but it is certain to impact SRS in two broad respects. Firstly, in our role as regulator, at a time when residents are struggling to make ends meet and rogue traders will waste no time in exploiting the situation. When times are hard financially, even normally legitimate traders may feel under pressure to cut corners, for example through the passing-off of inferior products or ingredients for the genuine article. Likewise, this is a time when already struggling residents are at risk of falling into the hands of loan sharks and all the misery that illegal money lending can bring. The other respect in which the cost of living crisis could have a devastating effect is on the wellbeing of our staff, and there is a real need for managers and colleagues to spot warning signs among team mates so that all available support can be provided. (RR1).

4. Budget

Financial allocation

Bridgend, Cardiff and the Vale of Glamorgan Councils fund Shared Regulatory Services jointly through an agreed formula. 2022-23 represents Year 8 of the SRS. The Joint Committee approved the proposed Shared Regulatory Services budget for 2022-23 at its December 2021 meeting. The aggregate budget for the service remained at £8.331m as a result of £134k of savings offset by £134k salary costs attributable to the national pay award. Budget discussions will now begin with the partner Councils for the next three year period. The methods of apportionment for operating the core service and the cost contribution percentages are set out in the Joint Working Agreement and based upon the population of each Council. This will not revise the bottom line position of the budget. There are also arrangements in place to deliver "authority specific" services to individual partner Councils.



Resource Implications (Financial and Employment)

The following table summarises the gross expenditure budget for the Service.

SRS Gross expenditure budget 2022/23			
Area	**Core £'000**	**AS £'000**	**Total £'000**
Bridgend	1,343	434	**1,777**
Cardiff	3,343	1,468	**4,811**
Vale of Glam	1,231	512	**1,743**
Total	5,917	2,414	**8,331**

The budgets detailed above summarise the overall budget contribution agreed by each of the partner authorities. Each contribution consists of two elements – core and authority specific services.

Core services are those functions common to the partner authorities as they share statutory responsibility for the activity, such as trading standards. Core service costs are then pooled and recharged to the partner authorities based on the relative population split within the three authorities.

Authority specific budgets such as Licensing are unique to each partner authority and it is the sole responsibility of each authority to fund its own provision.

The approved authority specific services are as follows:-

Bridgend	Licensing Kennelling & Vets Costs Empty Homes Public health burials
Cardiff	Licensing Additional HMO Licensing at Cathays & Plasnewydd Empty Homes Night time Noise Port Health Student Liaison
Vale	Licensing Kennelling & Vets Pest Control Public health burials Port Health

Both core and authority specific services are recharged to partner authorities inclusive of a management charge, which incorporates management, admin and hosting costs. These include the provision of a multifunctional admin team, professional support in the form of finance, IT and HR, together with the senior management within the Shared Regulatory Service.

The budget is monitored quarterly via the Management Board and Joint Committee and the details of such monitoring form part of the quarterly update reports, available at the websites of each partner Council.

Maximising resources

Our goals of supporting the local economy and maximising resources now challenge us to operate in a more commercial and entrepreneurial way. For our business customers, we aim to deliver high quality technical services. We have created an environment that allows us to focus upon supporting local enterprises enabling them to operate successfully in an increasingly competitive business environment.

As highlighted throughout this Business Plan, since March 2020, the COVID pandemic has impacted service delivery in many ways. One such area was that of income generation where the secondment of key members of staff into the COVID response has limited the provision of certain paid-for services. In addition, COVID restrictions since that time meant that the provision of face to face training courses was not permitted and remote teaching solutions had to be developed. As we move into 2022-23 and the greater potential for income generation the year will bring, we will be able to enhance service delivery and ensure resilience within SRS moving forward.

Our agile working practices allow our specialist officers to use technology to deliver improved productivity, efficiency savings and better customer service. Furthermore, these practices provide opportunities to reduce the accommodation footprint of the Service across the region, reducing operational costs.

The removal of the traditional professional silos means that officers are part of joined up multi skilled teams and have better understanding of our internal processes and the needs of our customers. The reshaped SRS will continue to eliminate unnecessary bureaucracy and simplify processes; we will harmonise practices wherever possible and achieve efficiencies by doing things once (and not three times as happened in the legacy organisations).

Understanding the costs involved in providing services is crucial. We review regularly SRS fees and charges across the three authorities to ensure we know what it costs to provide services and ensure that we recover those costs where possible.

We listen to our customers and stakeholders to identify their needs and expectations. We seek to develop our services so they are easier for customers to access and are more effective and cheaper. We believe that better engagement will help us make better decisions and consequently deliver better outcomes.

We recognise the need to understand, measure and manage our performance across the Service. We continue to work on developing our measures so that we will eventually have a suite of measures that ensures performance is managed effectively and in a meaningful way, and that we are having a positive impact on those customers that interact with us.

4. Workforce Development

Operating a Shared Regulatory Service across three distinct areas presents many challenges for the Service and its workforce. We aim to use our Workforce Development Plan to ensure our officers have the right mix of experience, knowledge and skills required to fulfil our goals. Our plan illustrates how we want to encourage and support our officers to develop new skills and work in different ways. Investing in people is a fundamental element of our maximising resources priority.

The Workforce Development Plan provides a framework to blend:-

- Organisational culture
- Leadership and management
- Core skills
- Recruitment, retention and progression
- Communication and employee engagement
- Employee performance management

Continued Professional Development (CPD) is actively encouraged and officers are offered opportunities to attend a wide range of training courses, seminars, meetings and briefings to help maintain competency and improve technical, legal and administrative knowledge. A number of employees have been supported to undertake post graduate training gaining Masters degrees in areas such as environmental health and leadership and management. In addition, 'in house' technical training days support cross discipline training and increase awareness of related enforcement activities. The service has continued to provide legal competence training for officers along with a number of professional development courses. While this is a cost effective way of increasing the skills base of our workforce, perhaps the greater consequence is the potential to forge a stronger team.

The SRS Staff Survey undertaken in early 2020 sought the views of employees on a number of work place themes including learning and development. Results were generally very good and showed a good level of improvement from the last survey undertaken in 2018. There was, however, one area of people development that, whilst still a good result, was identified as an opportunity for improvement. It will therefore be important during the forthcoming year, to ensure that personal development is actively encouraged through the performance review process and through the provision of suitable development opportunities linked to SRS business objectives.

In terms of recruitment and retention, SRS has led on the introduction of a Regulatory Compliance Officer type apprenticeship within Wales and promoted the DPPW 'Building for the future' report seeking increased investment in terms of funded public protection workforce development programmes to address capacity and resilience issues in the environmental health and trading standards professions. SRS looks forward to benefitting from these approaches in the future.

We intend our workforce plan to drive our organisational development, both through preparing us for the future by being able to forecast likely challenges and by a more effective process of talent identification, identifying skill gaps, and retaining our officers within the organisation.

5. Turning actions into outcomes

We continue to work to integrate our vision, priorities, outcomes and our performance to provide a comprehensive picture of the work the service undertakes and the positive impact it makes.

The following section of this Business Plan brings all these different elements together in order to highlight our achievements and performance during the last year together with the actions we aim to take forward in 2022/23 to deliver on the strategic priorities. This framework will be continually reviewed to ensure it remains relevant and meaningful to stakeholders.

Priority

Improving health and wellbeing

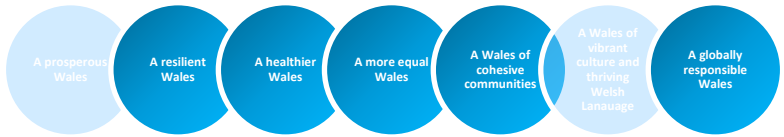
Outcomes

- The food chain in safe and free from risk
- Risks in the workplace are managed
- Noise and air emissions are controlled
- A safe trading environment is maintained
- Licensed premises operate responsibly
- The quality of private rented property is improved
- Infectious disease is controlled and prevented

Outputs

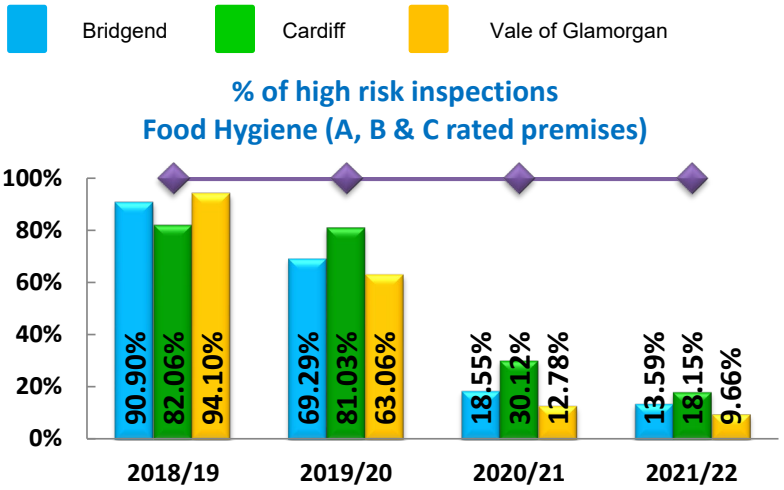
- Inspect food businesses to ensure compliance
- Take food and feed samples for testing
- Monitor workplace activities to promote safer working
- Investigate accidents at work
- Respond to noise and air complaints
- Monitor air quality
- Disrupt the supply of counterfeit & unsafe goods
- Inspect animal health businesses
- License activities to ensure compliance
- License and inspect private rented properties
- Investigate cases of food poisoning and communicable disease

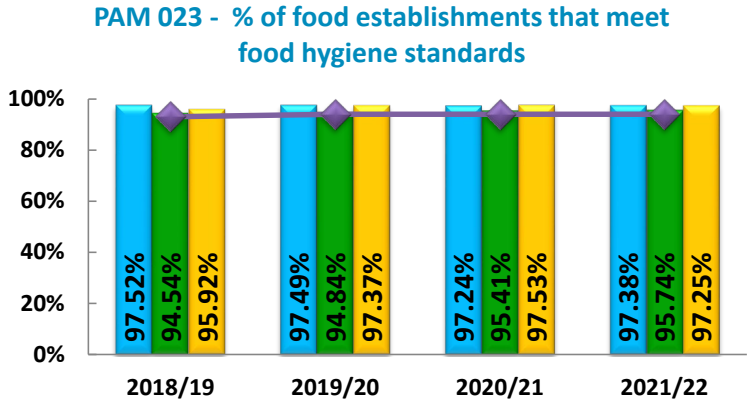
In addition, our outcomes also contribute to the following wellbeing goals:-

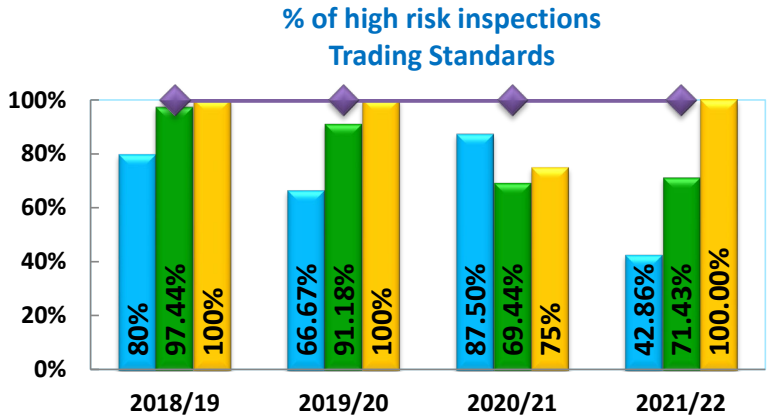


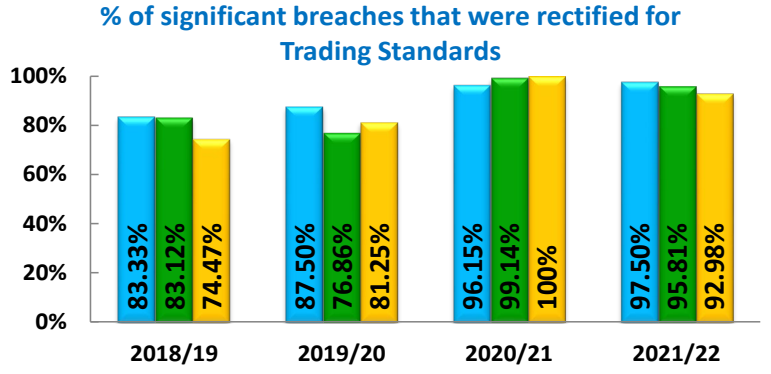
Improving health and wellbeing is a key priority for SRS. The Service delivers a diverse range of services to businesses, consumers and residents many of which are "taken for granted". Their contribution toward our stated outcomes, and their impact upon communities, should not be overlooked. Work undertaken to ensure that food, from farm to fork, is safe, that infectious disease, noise and air emissions are controlled, that risks in the workplace are managed properly, allows people to live in healthy environments. Add to this our activities to ensure the quality of private rented property, the promotion of a safe trading environment and our regulation of licensed premises to ensure they operate responsibly and it is evident that the work undertaken by the SRS is hugely important to the health and wellbeing of the region.

How we performed









% of private rented properties and HMOs improved through the removal of category 1 hazards 2020/21			
	Bridgend	Cardiff	Vale of Glam
Total no. of assessments which contain category 1 hazards	10	72	7
No. of HMOs and non HMOs where all category 1 hazards have been resolved as a result of local authority action.	7	22	11
% Total resolved	70%	30.5%	157%

What we have achieved

The Food chain is safe and free from risks

Businesses that are broadly compliant - The number of food businesses with a food hygiene rating of more than 3 continues to remain at a high level with 97.38% in Bridgend, 95.74% in Cardiff and 97.25% in the Vale of food businesses being broadly compliant. The results show a positive upward trend, year on year, exceeding targets and highlighting the growing number of businesses that are improving their standards, which can be attributed to the success of the intervention programme for food businesses. That programme ensures that any food safety issues identified are followed up by either enforcement, advice or training and subsequently revisits to ensure compliance with food safety law.

Prosecutions – SRS is committed to enforcing the laws we regulate, instigating legal proceedings against those businesses or individuals that flout the law. During 2021/22, despite the COVID-related backlogs in the court process, the service concluded a number of successful prosecutions against individuals/businesses in relation to food offences. The following examples showcase the impact and value of this work

7

Successful prosecutions of food businesses concluded

- **Company/owner of Cardiff convenience store fined £20,000 for a string of food hygiene offences** – In this case, officers found dreadful conditions on the premises including a dead mouse, cockroach infestation, unwrapped raw meat being stored next to fresh herbs and vegetables and out of day and mouldy foods. The defendant had been prosecuted previously for food hygiene matters and also for the supply of illegal tobacco, so knew the serious nature of the offences. The company of which the store owner was the director was given a total fine of £20,000, and the owner sentenced to a total of 13 months imprisonment and issued with a Hygiene Prohibition Order preventing him from participating in the management of any food business.
- **Bridgend takeaway fined for 8 food hygiene offences** – In another case, an inspection of a take-away in Bridgend discovered a number of food hygiene offences including a failure to ensure the premises were kept clean, failure to implement and maintain procedures based on HACCP principles, failure to provide sufficient washbasins and failure to ensure that food, cooking utensils and raw materials were kept clean to avoid cross contamination. In view of the serious incidents, the defendant was fined a total of £1760, ordered to pay costs of £1100 and a victim surcharge of £176.

Port Health and infectious disease – During 2021/22 significant engagement took place with the relevant stakeholders at the seaports of Cardiff and Barry and at Cardiff International Airport to ensure that enhanced measures and controls were implemented to minimise the risk of importation of Covid-19 and its onward spread. This included the need to secure procedures to address the notification of any illness in passengers or crew, the display of relevant informative posters, announcements to passengers and the monitoring of vessel and aircraft movements. Representation was made at many meetings with other organisations such as the Association of British Port Health Authorities, All Wales Expert Panel, Cruise Start, Welsh Government, Maritime Port and Welfare Group and Test Trace Protect, to ensure that officers were following up to date guidance and best practice.

With the gradual opening of international travel, the number of flights steadily increased into Cardiff Airport during the year. A total of 1598 flights entered Cardiff Airport between 1st April 2021 and 31st March 2022. Until 22nd December 2021 there was a requirement for all flights to submit a General Aircraft Declaration confirming that no passengers and/or crew on board were showing symptoms of Covid prior to being permitted to disembark. The monitoring of 1177 flights was completed to ensure compliance with this requirement. In addition, 243 flights entering Cardiff were identified as having a positive passenger travelling on the plane during their infectious period which required further investigation to identify relevant contacts and to provide the relevant advice about isolation requirements.

Vessels (other than those departing from the Common Travel Area) up to 22nd December 2021 were required to submit a medical declaration of health declaring that there was no one symptomatic on board with Covid prior to being granted free pratique to disembark by the Port Health Service at the seaports of Cardiff or Barry. The port operators were advised of the granting or refusal of free pratique to ensure that the risks of infection to their staff were suitably managed. In addition, the Covid procedure for the port operator was reviewed to ensure that suitable controls were in place to minimise the spread of infection.

In July 2021 a detailed review of Covid policies, procedures and an outbreak plan were undertaken for a small cruise ship prior to its arrival in port to ensure that suitable controls had been identified to minimise the risk of spread of infection. This identified a number of improvements that were required to be exercised prior to its arrival.

For many seafarers', issues were experienced in obtaining vaccines against Covid due to the transient nature of their work. The Port Health Team, with the assistance of the Cardiff and Vale Health Board managed to overcome such difficulties and arrange suitable vaccine for crew arriving at Cardiff and Barry where requested. This vaccination model has since been used by other ports within Wales

Food Hygiene Inspection Exercise – As hospitality began to re-open from lockdown, an exercise was initiated to target areas with high concentrations of food businesses. These included City Road in Cardiff, Holton Road in Barry and Nolton Road in Bridgend. All food officers from across the different teams worked together in each area to make targeted unannounced inspections of food businesses. In total over 110 inspections were made across the 3 areas resulting in 4 voluntary closures of businesses, 2 voluntary surrender of

food and the issue of a fixed penalty notice for the non display of food hygiene rating sticker. These exercises brought benefits in terms of maximising the number of inspections carried out through targeted enforcement, and provided greater integration of disparate teams who were able to support one another, develop new relationships and get an appreciation of the restraints and demands in each other's areas.

Online unregistered food businesses – Sometimes referred to as 'Cloud' kitchens, these businesses often prepare food at separate premises rather than a restaurant. This is a relatively new practice, whereby orders are placed online, without the option for the public to enter the premises. While a number of these businesses are legitimate and regulated, others are operated out of home kitchens by people with no training and there is a danger that meals could be sold without clear information on ingredients and allergy information. These businesses are generally promoted via social media platforms such as Facebook and Instagram and as a consequence are difficult to reach. During the year, SRS conducted a project whereby 10 food business operators that had not registered their food business were identified. These businesses were contacted and six of these have been brought into compliance by either 'taking down' the social media platform/posts used to promote the sale of food or as a result of the food business operator registering their business.

Risks in the workplace are managed properly

Legionella management in care homes - Legionnaires' disease is a potentially fatal type of pneumonia, contracted by inhaling airborne water droplets containing viable Legionella bacteria. Created by hot and cold water outlets; atomisers; wet air conditioning plant and whirlpool or hydrotherapy baths, health and social care providers are required to carry out full risk assessments of their hot and cold water systems and ensure adequate safety measures are in place. Due to concerns raised by care homes, about allowing entry to contractors due to the risk of introducing Covid-19 or other infections into the homes, SRS undertook an exercise looking at legionella management in care homes. As a result, 31 desk top reviews seeking evidence of monitoring were undertaken with care homes across the region. Where concerns were identified as a result of these assessments, face to face assessments were carried out at a number of premises.

Visits to open farms – Zoonotic diseases, i.e., those that can pass from animals to humans, may be acquired from animal contact at visitor attractions. As families ventured out in the summer of 2021, the Health and Safety Executive relaunched its guidance on the spread of cryptosporidium, campylobacter and e.coli, and SRS officers undertook health and safety visits to open farms in the region. Assessments were carried out during these visits to ensure effective control measures were in place to minimise the risk of infection from contact with animals.

Infectious Disease is controlled and prevented

Test, Trace and Protect – The commitment made by SRS during the last 2 years to support the Test, Trace and Protect Scheme (TTP) has been hugely significant. Senior officers have been at the heart of the TTP initiative from the outset working across the two health boards while 30+ officers have been redeployed at various times to work on the scheme. This has involved the tracing of people who have tested positive for Covid-19 and linking with health professionals to identify trends and incidents in order to restrict the spread of the disease. During the year incidence rates were closely monitored so that the SRS input into TTP could be tailored accordingly. This allowed demand to be met during spikes in the number of cases, while at the same time allowing the flexibility for staff made available to TTP to devote time to their substantive roles during quieter times.

Communicable Disease – The Communicable Disease Team has been at the heart of the Covid-19 pandemic during the last two years, acting as the Regional Response team. Tasked with protecting public health by controlling and preventing cases and outbreaks of infectious disease, the focus of the team has almost entirely shifted to tackling Covid-19. During the last year alone, 135,828 confirmed and suspected cases of communicable disease were reported to the service, 134,048 of which were reported as Covid-19. To provide some context to this figure, in 2019, 2149 cases were reported, then in 2020/21 this figure rose to 44,739, meaning that there was a tripling of that number during 2021-22.

135,828

Communicable disease cases notified to SRS.

During the last year, 428 outbreaks of communicable disease in care homes, schools, nurseries, and domiciliary care establishments were investigated and managed. 368 of these were Covid-19 outbreaks. In 2019 this figure was 85. Furthermore 4596 confirmed cases of Covid 19 in care and educational settings were escalated to the regional response team from Test, Trace and Protect.

130

Statutory notices issued for non-compliance with Coronavirus Regs

Covid Enforcement Teams - When the UK was first put into lockdown in March 2020 it became the responsibility of SRS to enforce the Health Protection (Coronavirus Restrictions) (Wales) Regulations across the region. As a consequence, SRS officers have throughout the pandemic undertaken a range of work to ensure businesses comply with regulations, through visits and the provision of advice and guidance. As regulations and Welsh Government guidance changed, and case numbers increased, SRS put in place a reciprocal commitment with South Wales Police to form three Joint Enforcement Teams (JET) undertaking coordinated enforcement activity in a range of sectors across each of the three local authority areas. These teams made up of SRS officers focused upon engaging with

business, encouraging compliance and more recently upon ensuring that returning travellers and positive cases observe the isolation requirements.

These visits included checks to ensure those businesses that were required to close, were closed, that adequate social distancing measures and signage were in place and that hand sanitiser was made available. If it was found that businesses were failing to meet the regulations, statutory notices were issued compelling businesses to comply. In total SRS officers issued 529 such notices for non-compliance across the region since 2020, 130 during the last year. These included Closure Notices, Improvement Notices, Prohibition Notices, Compliance Notices and Fixed Penalty Notices depending upon the current regulations in place at the time.

Covid enforcement has been challenging, not least because of the changing regulations throughout the year, which officers, and businesses, were required to be conversant with. In addition, as restrictions continued, public support for restrictions began to wane resulting in a shift in attitude towards officers by some individuals.

South Wales Police Awards 2021 – Such was the success of the Joint Enforcement Teams, mentioned above, the teams consisting of SRS Officers and South Wales Police were recognised at the South Wales Police Awards Ceremony where they were awarded the Special Recognition Award. This award recognised the partnership between local authority and Police colleagues throughout the force area as Joint Enforcement Teams (JETs) undertaking Covid enforcement work from September 2020 onwards. The close working between local authority and Police colleagues through the Force area was commended and held up as a model for future partnership working.

Noise and Air Emissions are controlled

Noise Pollution and Anti-Social Behaviour - In investigating cases of noise nuisance, officers routinely work with external stakeholders such as the Police and local authority anti-social behaviour Teams. Often this is because creating noise disturbance is just one aspect of anti-social behaviour that needs to be addressed to provide solutions to the community issues raised. One example of a case dealt with by SRS in conjunction with the Police concerned residents of a block of flats. SRS received a number of complaints about loud music which resulted in an abatement notice being served. This notice was subsequently breached when the tenants held a house party during a tier 3 lockdown and South Wales Police were called due to covid breaches. These officers were then assaulted by the tenant's guests. In another case, jointly investigated by SRS and South Wales Police, two neighbours were in dispute, with one neighbour blasting music for long periods of time to annoy the other. In this case SRS were able to catch the offender blasting loud music on 3 occasions.

A safe trading environment is maintained

Disposable e-cigarettes – In January 2022, SRS officers worked with BBC's X-Ray programme on a feature about the work conducted by SRS in relation to disposable e-cigarettes. E-cigarettes are a regulated product that should comply with the Tobacco and Related Products Regulations 2016. These restrictions include a limit on the capacity of the refillable tank of the cigarette device which must not be more than 2 ml; that there is a nicotine limit of 20 mg per ml in nicotine-containing liquids or containers; that products should contain prominent health warnings; and that all e-cigarettes and e-liquids are required to be notified to the Medicines and Healthcare Products Regulatory Agency before they can be sold. 28 inspections were conducted in response to intelligence and complaints received, which resulted in 19 seizures of approximately 3200 non-compliant, disposable e-cigarettes with an estimated value of over £19,000.

Licensed premises operate responsibly

The Public Health (Minimum Price for Alcohol) (Minimum Unit Price) (Wales) Regulations came into force on 2 March 2020. The purpose of the legislation is to protect the health of harmful and hazardous drinkers by using price as the means to minimise their access to very low cost / high alcohol products (for example some strong ciders). Under this law, it is an offence to supply alcohol below the applicable minimum price which is calculated according to the alcoholic strength of a product and the volume in which it is sold. The minimum unit price (MUP) for the purposes of calculating the cost of alcoholic drinks is £0.50. This is a novel piece of legislation for the trade with penalties for failing to comply ranging from a £200 fixed penalty notice to a maximum fine of £1000 if the matter proceeds to court. In order that the trade is fully aware of the requirements of the law, Welsh Government funded SRS officers to visit the 650+ off-licensed premises across the region.

A programme of visits to these premises began in March 2020, however the impact of the Covid-19 pandemic resulted in further visits being delayed to later that year and throughout 2021/22. During the last year SRS conducted 166 initial inspections at alcohol retail premises across the SRS region to assess whether the businesses were complying with the minimum unit price requirement. Of these, 26 were found to be non-compliant and were issued with a warning and guidance on future compliance. 37 re-visits were then conducted at those businesses that had previously been found to be non-compliant, and this resulted in 6 fixed penalty notices being issued in cases where it was found the businesses continued to sell alcohol below the MUP.

Firework storage Inspections - Retailers of fireworks are required to register with the local authority in order to ensure safe storage. All premises registered for the storage of fireworks are inspected by officers of the service to ensure that the conditions imposed by the registration are complied with and that the storage is safe and the business operates in a safe manner. In the run up to 'bonfire night' in 2021, 24 registered premises were inspected by SRS officers to ensure the safety of firework sale and storage Only minor non-compliances were identified as a result of these visits, all of which were rectified by the business concerned at the time of inspection.

The quality of private rented property is improved

HMO Licensing - HMOs often present the worst physical and management standards, as well as having a detrimental impact on the neighbourhoods in which they are situated particularly in relation to street scene. Despite the significant impact of the Coronavirus pandemic on the work of the service, the Cardiff Team took 3 successful prosecutions during 2021/22 comprising 17 separate offences including non-compliance with Housing Act notices and a variety of management offences in dangerous houses in multiple occupation, with total fines and costs being £9,977.

In addition, the team dealt with 1,891 service requests of which just under 500 related to hazards in private rented housing and approximately 600 in relation to housing related advice and guidance. Of particular concern and possibly linked to issues around lockdown restrictions were the number of complaints about potential nuisance or filthy and verminous properties (88 complaints) which resulted in a number of particularly challenging works in default cases. Furthermore there were 82 complaints about the condition of problem empty homes and a further 26 requests for information on such properties.

It remained the case for much of the year that fewer site visits could be undertaken, with evidence being obtained remotely because of Covid, limiting officer options for enforcement action. However, where visits were undertaken, 142 Housing Act 2004 notices were served, of which 37 were formal actions, and 7 Prohibition orders were served. There was a return to dealing with HMO licensing during the year and 358 HMO licences were issued, almost doubling the total for the previous year where Covid restrictions were more severe. The team continued joint working with Rent Smart Wales (RSW) to address problem landlords with a total of 9 landlord fit and proper person reviews and significant input into 3 letting agent audits. RSW have also continued to make investigation referrals with 108 cases received including one Renting Homes Fee investigation case. Significant work has also been completed to robustly defend multiple HMO licensing appeals at Residential Property Tribunal.

Cathays Additional Licensing Scheme – The statutory consultation in relation to the re-declaration of the Cathays Additional Licensing Scheme was completed in March. Landlords, letting agents, tenants and residents living in Cathays were consulted together with other people/organisations with an interest in the Cathays area and/or the Scheme. An analysis of the responses received is currently taking place with a view to reporting results to Cardiff Council's Cabinet in Summer 2022.

Cardiff landlord fined following complaints about property condition – This case concerned a complaint about disrepair from a tenant of a property in Cardiff. A check on the property revealed that it was a 3 storey property occupied by 5 unrelated people sharing kitchen and bathroom facilities and was not licensed as a HMO as required. Furthermore a visit made by SRS officers revealed that the property lacked an adequate fire alarm system, had a defective electrical installation and an insecure carpet to the first floor. The defendant subsequently failed to provide electrical reports when requested to do so and was found to be operating a licensable house in multiple occupation without a licence. The landlord was fined £834, ordered to pay costs of £350 and a victim surcharge of £83.

Illegal Evictions and pre-occupancy checks - In Bridgend and the Vale of Glamorgan SRS investigated and gave advice regarding 10 cases of illegal eviction which allowed us to prevent the households from becoming homeless in the majority of cases. We also provided a valuable service to the Housing Solutions Departments by conducting pre-occupancy inspections of 13 properties.

Emerging issues

COVID-19 - The unprecedented challenges posed by COVID-19 has seen officers adjusting to altered work and personal routines, not to mention coping with the uncertainty and anxiety we all face for our own health. SRS has, and continues to play a key role in tackling the Covid crisis through its involvement in Test, Trace, Protect, which has required the service to adapt and re-prioritise the services delivered throughout the last two years. As we look to the future, the position is still uncertain but looking more optimistic, but as we know from the last two years the situation can change rapidly. This will require the service to continue to monitor the situation and adjust resources as circumstances change, which is likely to impact on our ability to deliver 'business as usual'.

Recruitment and retention– Recruiting to vacancies, particularly to those roles that require professionally qualified officers continues to be challenging, particularly as we are seeing a number of our officers leaving the service to secure positions elsewhere. The shortage of applicants with the right skills, abilities and experience in the different professions has created a more competitive market. These shortages, attributable to an aging professional demographic, increasing turnover and a reduced investment in sponsorship of students by Councils, have to be addressed if we are to deliver effective regulatory services. Across Wales, the Directors of Public Protection Wales (DPPW) has sought to co-ordinate a consistent approach to identify immediate issues of capacity and resilience along with other challenges for the future as demands and expectations on regulatory services continue to grow and has produced a report detailing the key issues facing local government regulatory services. The report highlights the challenges faced in terms of workforce pressures, the need for better coordination and oversight and how to achieve greater resilience in the medium term through a number of recommendations.

Backlog of programmed inspections - Government restrictions on social distancing, non-essential travel and the closure of certain businesses to reduce the spread of Covid-19, resulted in routine inspections being suspended several times during the last two years which inevitably created a backlog across a number of SRS services. Furthermore, the deployment of staff to Test, Trace, Protect, covid enforcement teams and other covid related activities has impacted on the resource available within teams to carry out "business as usual" activities creating a significant backlog of inspections, that is further exacerbated by recruitment and retention issues evident in some areas of the service. Inspections of food businesses, for example, are normally programmed each year to ensure all businesses are inspected at regular intervals at a frequency relevant to the risk category of the business. The inability to inspect these premises has inevitably led to a backlog of programmed inspections, particularly in relation to 'C' rated and new business inspections where a backlog already existed pre-pandemic. Similarly the Private Sector Housing team have been unable to visit rental properties to carry out inspections as part of the HMO Licensing regime, only undertaking inspections where significant risks to the tenant are identified. While inspections have now resumed, it is envisaged that clearing the backlog of inspections will take a significant resource and take some time to complete.

Food Standards Agency Recovery Plan – In recognition of the backlog of inspections created as a result of the Covid-19 pandemic, the Food Standards Agency produced a Recovery Plan to enable local authority food teams to identify and focus on those food businesses that are trading and pose the greatest risk to public health. Given the backlog that already existed pre-pandemic coupled with the backlog caused by the pandemic, it is envisaged that while the recovery plan is welcomed, the service will have difficulties in delivering the proposals, without additional resource**.** The service will however work with the FSA to ensure a risk based approach is adopted.

Cost of living crisis – The cost of living crisis in the UK is currently dominating the headlines. With inflation at its highest level in 30 years, the UK is seeing petrol and grocery prices increasing, together with tax increases and exponential rises in energy costs. Disruption of global supply chains due to Covid-19 and global shipping costs has also resulted in increased prices and shortages of certain products. There are now reports of further shortages as a consequence of the war in Ukraine, most notably sunflower oil and wheat. Most of the sunflower oil used in the UK is imported from Ukraine and is used extensively in cooking, and ingredients in many food products, including crisps, chips, ready meals, biscuits and mayonnaise. Shortages and price hikes have resulted in food manufacturers looking for alternatives to minimise disruption in availability with several already switching to refined rapeseed oils. The Food Standards Agency have indicated that this change has been done so quickly that manufacturers have been unable to update food labels. While the FSA deem this to be of very low risk to consumers, it does highlight potential issues arising from the cost of living increases and product shortages. Food businesses, for example, already struggling following the pandemic, may see a reduction in customers who can no longer afford to eat out. They, faced with rising prices may be tempted to substitute food items for cheaper alternatives and cut corners in their food hygiene processes to save money, placing even greater demands on SRS at a time when the service itself is attempting to recover from the effects of the pandemic and staff shortages.

New Food Businesses – New food businesses are required to register with the service if a new business is planned, the nature of an existing business changes or if there is a change of ownership following the creation of new legal entities such as a new limited company, sole trader and partnership. All new businesses are required to be inspected and the Food Law Code of Practice requires that where possible, they be inspected within 28 days of opening. This requirement places a significant impact on the resources of the Food Safety and Trading Standards functions due to the large number of applications received. During 2021/22 900 applications were received, 529 in Cardiff, 166 in Bridgend and a further 205 in the Vale of Glamorgan all of which are required to be inspected alongside the planned programme of inspections. This is further exacerbated if businesses have poor compliance on initial inspection, requiring the need for further intervention. This requirement coupled with the resource issues currently experienced due to Covid and recruitment and retention issues, will severely impact our ability to complete these interventions.

Inspection of food imports – Brexit – A recent announcement by the UK Government to scrap plans to introduce physical checks on fresh food imported from the European Union, that was planned this summer, has caused the Chartered Institute of Environmental Health to express concern about the severe consequences this could have for UK consumers and for the public health of the country. The plan to introduce checks on animal and plant products entering the UK from the EU came about in the wake of the UK's exit from the European Union and would have impacted a wide-range of food sold in supermarkets. However, warnings that such checks could make food more expensive and exacerbate the cost of living crisis, resulted in the Government scrapping all inspections for imports from the EU. The CIEH believe that such a move heightens the danger of food fraud and crime where food of unknown origin and questionable quality could end up on supermarket shelves and in our homes. If such concerns are realised, this will inevitably impact on the work of SRS.

Exiting the EU – Now that the UK has left the EU, SRS is keeping abreast with potential changes as they occur in order to be prepared for any eventuality. The United Kingdom's status as a "Third Country" to those that remain within the EU and the countries within the EU becoming "Third Countries" to the United Kingdom has resulted in changes to the import of products of animal origin. Imported products of animal origin and any higher risk products not of animal origin and any higher risk products not of animal origin must be imported through a Border Control Post. Currently neither the ports nor airport in the SRS region possess this status in relation to food, but it is anticipated that trade patterns may change in the future and potentially require an enhanced monitoring role for the SRS.

Core Capacities Assessment at Cardiff International Airport - Cardiff International Airport is a designated point of entry which is required to meet certain core capacities. These are annually reported to the World Health Organisation by completing an assessment toolkit, "WHO Assessment tool for core capacity requirements at designated airports, ports and ground crossings".

In relation to comparison of the core capacities required for designated airports there have been some improvements at Cardiff Airport due to the provision of an isolation room which has direct tarmac access for emergency vehicles and an improvement to cleaning programmes as a result of audit by the Port Health Authority. However, a small number of number of actions have been identified as requiring action to meet the core capacity requirements including the inspection programme of facilities, water quality and vector surveillance which have been impacted by the redirection of staff resource to the Covid response. Currently there is no vector surveillance programme being undertaken. Training is required for staff on dealing with potential chemical and radiological incidents, a procedure is required for dealing with human remains and a further review in relation to the responding to events that may constitute PHEIC (Emergencies) is needed.

Implementation of infection control measures directed by Public Health Wales at points of entry – The impact of Covid-19 on travel has seen various restrictions imposed during the last two years,. While it appears that such restrictions are gradually being lifted as the Covid-19 outbreak comes under control within the UK, the 'variants of concern' originating in other countries means that it is possible that additional control measures will be required to be implemented at Cardiff International Airport and Cardiff and Barry seaports which will be the responsibility of the port health officers to ensure are adhered to.

Public Health (Wales) Act – This new legislation brings together a range of practical actions for improving and protecting health by way of a number of new requirements that effect several areas of the SRS. Although not fully enacted, the legislation has already introduced a prohibition of intimate piercing of under 18s and now enables food authorities to retain fixed penalty notice receipts resulting from offences under the Food Hygiene Rating (Wales) Act. Over the coming years, different elements of the legislation will be introduced including a licensing scheme for special procedures such as acupuncture, body piercing, electrolysis and tattooing, and the restriction of smoking in areas such as school playgrounds and hospital grounds. In time, it will create a national register of retailers of tobacco and nicotine products and create a prohibition of handing over tobacco and/or nicotine products to a person under the age of 18 years. It is unclear when these additional elements will come into force due to delays as a result of the Covid 19 pandemic but it is anticipated that there will be a resource implication associated with this. The scheme aims to strengthen existing registration requirements and as such will place additional responsibilities in administering and enforcing the new requirements including the delivery of training, undertaking professional interviews of applicants and the management of a new database.

Renting Homes (Wales) Act – The Renting Homes Act will be implemented on 1 December 2022, requiring all landlords, for the first time, to issue a written statement of the occupation contract to the tenant or licensee clearly setting out the rights and responsibilities of landlords and contract-holders. The new Act requires landlords to ensure the property is fit for human habitation at the time of occupation which is broadly based on the HHSRS hazards and will include additional provisions that relate to 'no fault evictions' where the minimum notice period that must be given is 6 months subject to certain conditions. Whilst the new fitness standard is intended as a civil remedy for tenants to seek their own address without recourse to the Council, it is anticipated that we may receive service requests running in parallel with the tenant's civil case and a request to supply inspection notes or expert advice in support of the claim. Staff will therefore need to be aware of this new legislation and appropriate training will be required to ensure they are able to advise landlords and tenants alike.

Caravan Parks – During the Covid outbreak holiday caravan parks were instructed to close by the Welsh Government and SRS as the enforcing authority ensured that this was the case. It did however became apparent that some people were using holiday homes as their main residential address with some caravan owners advising that if they were forced to leave the site they would effectively be made homeless. Welsh Government at the time made it clear that they did not wish to see an increase in homelessness during the pandemic and these owners were permitted to stay. However now that covid restrictions have been lifted, and the issue of residency highlighted, it will be necessary for SRS officers to work with the caravan sites to ensure that they are compliant with their licence conditions.

Outdoor hospitality – The covid pandemic saw many hospitality venues investing in outdoor seating areas to enable them to operate in a safe way and to recoup losses following closure and lockdown restrictions. This has inevitably resulted in an increase in outdoor hospitality that is likely to continue, but is an area that has several implications for SRS as a regulatory body. Large numbers of people seated in outside areas does have the potential to create noise nuisance to neighbouring residents, resulting in complaints to our noise service. Furthermore the safety of structures, in terms of electrical installations for lighting and heating will be a key concern in terms of health and safety. SRS recognises the significant impact that the pandemic had on the hospitality industry, but will be mindful of the need to balance the needs of the business with those of the residents and patrons.

Homes for Ukraine is a scheme that allows people in the UK to sponsor someone from the Ukraine to come and live in the UK. Hosts record their interest in offering a home as part of the scheme offering accommodation for at least 6 months. A number of checks are required

to be completed as part of the scheme and SRS have been asked to undertake property inspections in Bridgend, Cardiff and Vale. As part of this process, officers need to ensure that the accommodation provided by the hosts fulfils necessary health and safety requirements and is in line with Welsh Government guidance.

Building Safety Joint Inspection Team – Following the publication of the Building Safety White Paper a Welsh Government priority remains the establishment of the Joint Inspection Team (JIT), hosted by the WLGA. This remains a work in progress and SRS continue to have a presence on the Steering Group which has been charged with appointing the members of the JIT. It is anticipated that this will take place this year to enable a work programme to be drawn up in consultation with all Welsh local authorities and Welsh Government. We will work with the JIT to understand the scale of the issues in high rise buildings in the Authorities that we serve and working in conjunction with WG prioritise any remediation work to ensure the health and safety of the occupants.

In addition to the above, SRS is represented on the Leaseholder Task and Finish Group which is examining options to help support leaseholders who find themselves in financial hardship. Welsh Government plans to introduce a scheme which will target provision where it is most needed in buildings with identified defects where individual leaseholders cannot sell their properties on the open market and find themselves in significant financial difficulty due to escalating costs.

Smoke free compliance in hospital grounds – The Smoke-free Premises etc. (Wales) Regulations 2007 were introduced to protect employees and the public from the harmful effects of second-hand smoke. This legislation prevented smoking in 'enclosed' or 'substantially enclosed' public places, including workplaces and vehicles. In March 2021 further changes were made to the legislation which extended the smoke-free requirements to more places such as hospital grounds, schools grounds and public playgrounds, as well as outdoor day care and child-minding settings to be smoke-free. SRS is responsible for enforcing these regulations and in doing so recognises that the requirement for all hospital sites to be smoke-free promotes healthier care environments and supports smokers using hospital services, visiting or working in hospitals to quit. The service will therefore undertake a programme of engagement with smokers at these sites to reduce the incidence of smoking and promote improved health and wellbeing.

What we plan to do next

** - Cardiff Corporate Plan *** Vale Service Plan

Improving health and wellbeing	Lead Responsibility
The food chain is safe and free from risks	
Develop and adopt the Food and Feed Law Enforcement Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge food safety duties. ***	C Hill
Deliver the FSA Recovery Plan and adopt processes to prioritise and tackle the backlog of new business and broadly compliant C rated inspections.	C Hill
Deliver a programme of inspections targeting retail butcher premises to establish compliance with food standards and weights and measures legislation.	C Hill
Develop and adopt the Port Health Plan 2022/23.	C Hill
Undertake necessary actions to enable Cardiff International Airport to meet the requirements of the World Health Organisation Assessment tool for core capacity requirements at designed airports, ports and ground crossings.	C Hill
Risks in the workplace are managed properly	
Develop and adopt the Section 18 Health and Safety Service Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge health and safety duties. ***	C Hill
Engage with smokers using, visiting or working at hospital sites to promote smoke free compliance in hospital grounds.	C Hill
Noise and air emissions are controlled	
Develop a Noise policy including service standards.	W Lane
Work with partner authorities to reinvigorate the Responsible Authority Meetings to ensure joined up working and balanced enforcement across regulatory activities.	W Lane
Review and explore options for future proofing the Out of Hours Noise Service.	W Lane
A safe trading environment is maintained	
Continue intelligence led operations to investigate and disrupt businesses selling non-compliant e-cigarette products.	C Hill
Conduct firework inspections of licensed premises to ensure those holding a licence sell fireworks that meet the relevant safety standards, have adequate policies in relation to age restricted sales and stored safety in retail premises.	C Hill
Licensed premises operate responsibly	
Complete the programme of inspections, re-visits and enforcement action, where appropriate, to ensure retailers are complying with the Minimum Unit Pricing (MUP) controls for alcohol.	C Hill
Review site licensing conditions in place to manage caravan sites and holiday parks to ensure they are suitable and sufficient to protect the health and safety of the public.***	W Lane
The quality of private rented property is improved	
Drive up standards in the private rented sector by: -Undertaking robust enforcement action to deal with rogue agents and landlords letting and managing properties. **	W Lane
Evaluate the consultation responses carried out in Cathays on the re-declaration of the Cathays Additional Licensing Scheme and submit a report to Cardiff Council's Cabinet.	W Lane
Conduct proactive, area based exercises to identify and target unlicensed Houses in Multiple Occupation in Cathays and Plasnewydd.	W Lane
Review the fire safety standard, known as the Quick Reference Guide in conjunction with the South Wales Enforcement Group and Fire and Rescue Service and seek adoption by Cardiff Council's Cabinet.	W Lane

Infectious disease is controlled and prevented

Secure approval and deliver the Communicable Disease Service Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge these duties.***	C Hill
Work in partnership to respond to the Covid-19 pandemic by leading on the Test, Trace, Protect service, supporting businesses and high risk care settings to operate safely and enforcing regulations and self isolation requirements. ** &***	C Hill
Prepare businesses and internal procedures in readiness for the implementation of the new special procedures licensing regime and through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures.	C Hill/J Bale

What we will measure during 2022/23

Performance Measures 2022/23	Target
% of food businesses meeting food hygiene standards (broadly compliant).	94%
% of high risk businesses (category A & B) that were liable to a programmed inspection that were inspected for food hygiene.	100%
% of high risk businesses (category C) that were liable to a programmed inspection that were inspected for food hygiene.	90%
% of high risk businesses that were liable to a programmed inspection that were inspected for trading standards.	100%
% of significant breaches rectified by intervention during the year for trading standards.	N/A
No. of private rented properties and HMOs improved through the removal of category 1 hazards.	100

Priority

Safeguarding the vulnerable

Outcomes

- Children are protected from harmful substances and products
- Older and vulnerable people are protected from unscrupulous traders & scams
- Vulnerable people are not subject to exploitation, slavery and trafficking
- Illegal money lending activities prevented
- Taxi provision is safe and fair.

Outputs

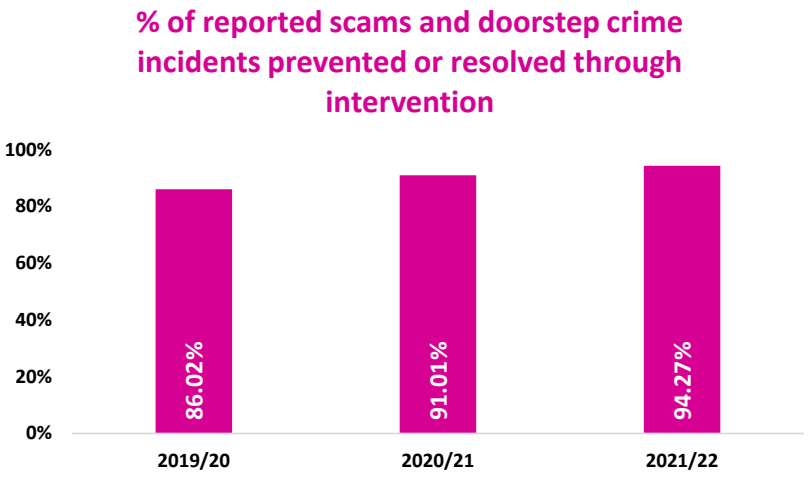
- Undertake underage test purchases
- Monitor supplies of tobacco, alcohol & harmful products
- Help vulnerable consumers obtain redress
- Provide support to those targeted by scams, doorstep crime & rogue traders
- Hold awareness raising events on scams, consumer rights & financial capability
- Protect people from illegal eviction
- Undertake criminal investigations of fraud
- Investigate cases of illegal money lending across Wales
- Provide support to those targeted by illegal money lenders
- Monitor the fitness and propriety of licence holders
- License taxi drivers and vehicles

In addition, our outcomes also contribute to the following wellbeing goals:-

A prosperous Wales | A resilient Wales | A healthier Wales | A more equal Wales | A Wales of cohesive communities | A Wales of vibrant culture and thriving Welsh Lanauage | A globally responsible Wales

Our safeguarding work seeks to ensure that children are protected from harmful substances and products, that older and vulnerable people are protected from unscrupulous individual and traders, that illegal money lending activities across Wales, are challenged robustly and that the public feel safe when using taxis as public transport. We will do this in partnership with our Council colleagues and other agencies to help people who need our support. Safeguarding the vulnerable is a central theme to many of the activities undertaken by SRS.

How we performed



693

Cases, enquiries and referrals received or dealt with by SRS Safeguarding Team.

19

Victims of doorstep crime and scams identified. This work included 37 visits to consumers and 1 rapid response made.

£13,000+

Achieved in redress for consumers.

What we achieved

Older and vulnerable people are protected from unscrupulous traders and scams

Cardiff fraudster jailed for pest control scam – A predatory fraudster who targeted 2 elderly and vulnerable women in an elaborate pest control scam was sentenced to an additional 12 months in prison following investigations by SRS officers. In the first case, the fraudster targeted a 71 year old woman who lives alone by knocking on her door and offering to repair a roof tile at the property. What followed was an 8 day fraud where the victim had her life savings of £11,400 taken from her. While working on the broken roof tile, the fraudster claimed to uncover a rat infestation in the victim's loft which he could treat by 'spraying the loft' at a cost of £2600. After 'spraying the loft', he then continued to visit the victim each day to claim further work was required to fix the rat infestation, including further resprays of the loft, repairs to roof felt, and for sealant to repair damage caused by rats. Payments were demanded separately and the victim followed to the bank each time a payment was made. After the work was supposedly finished, the roof started leaking and the victim contacted the fraudster who wanted further payment to finish the work. At this point the pensioner refused. A subsequent assessment by a housing surveyor confirmed that no work had been carried out at the property, and Cardiff's Pest Control service confirmed that a Cardiff resident would only be charged £48 to deal with a rat problem. Between 16 January and 6 February 2019, the fraudster called the victim 65 times and sent her 44 text messages and no details, contract or paperwork were provided.

In the second case, a 69 year old pensioner was cold called at her home by a person called 'Adam' claiming to be an environmental health officer. The resident was told she had a rat infestation in her back garden, and let 'Adam' and a workman into the garden. The worker shouted 'I have got one', waving a rat in the air, inferring that it had been taken from the drain. The fraudster explained he would return the following day to carry out the work but didn't provide a quotation. On arriving at the property the next day with a worker, he stayed for an hour and half in the back garden. The following day the victim began receiving calls from 9am and told that someone would be collecting the £2000 she owed. Over a three month period, this happened on 8 different occasions and the resident parted with a total of £10,400 during this time. No work was carried out and no contract or paperwork provided. Weeks later the resident received a further phone call claiming that the work had taken place but at the wrong address and she would receive a bankers draft of £15,000 plus compensation. To receive this money however, she would have to pay an additional £1500 up front, but she explained that she had no more

money to give.

By the time the matter came to court,the fraudster was already serving a four and a half year sentence for burglary. He pleaded guilty to 2 offences, and had his jail term extended by a further year.

Safeguarding Week - The 2021 National Safeguarding Week for Wales took place between 15th and 21st November with the purpose of raising awareness around the importance of safeguarding children and vulnerable adults and ensuring that they are protected from neglect, harm and other forms of abuse. To coincide with Safeguarding Week, SRS produced a podcast on doorstep crime for Bro Radio and held a public facing information stand in Barry town library alongside SWP Community Safety and the Stop Loan Sharks Wales team.

Safeguarding/Scams – A series of proactive operations and initiatives were carried out through the year to highlight scams and improve awareness. These included training to Police cadets; the creation of 4 new informal 'mini' street cold calling control zones by providing window stickers and information leaflets to over 130 houses; and over the course of the year, GP surgeries and pharmacies across the region were supplied with new awareness raising material on scams and frauds to be displayed in practices and in front windows, delivering key preventative advice.'

Doorstep crime and Scams – SRS respond to instances of doorstep crime and scams, supporting the victims and families where possible. Often individuals are elderly and vulnerable and these crimes can have a devastating effect on the emotional as well as the financial wellbeing of residents. The following examples given an indication of the types of interventions undertaken over the course of the year.

During 2021-22, the service dealt with 67 Doorstep Crime and 73 Scams cases. A total of 19 residents were identified through the year as having suffered a doorstep crime incident or as having been on the receiving end of a scam. Some £13,000 in redress was achieved for residents. In one case, a consumer's card details were being used fraudulently (to access online services) which appeared to have started after they were conned by a white goods insurance/warranty company. What began as a relatively low level scam involving £80, led to further losses of over £8000.

A number of significant cases against rogue traders and doorstep criminals concluded in court. Sitting behind each of these cases is a story of residents being defrauded of large sums of money, often life savings, for little or no work; or where work has been carried out it will have been to a very poor standard. The legacy of COVID related delays in the court process meant that fewer cases of this type than normal finally concluded in court. Nevertheless, the impact of the 6 concluded cases is significant, i.e.

- A combined total of nearly 10 *years in custodial sentences*
- A 12 month Community Order
- Compensation of £3080 awarded to those affected.

Call blockers can put an end to nuisance or malicious calls. They can be installed at the homes of residents being repeatedly targeted by scams and once fitted, prevent all calls coming through other than those from recognised friends and family numbers. SRS installed further call blockers during the last year in residents' homes helping to reduce nuisance and scam calls. Since 2014 SRS has installed a total of 61 call blockers to protect older and vulnerable people and each of these is estimated to block up to 5 nuisance or scam calls a day.

Vulnerable people are not subject to exploitation, slavery and trafficking

Raising awareness - Safeguarding is a key issue for all three Councils. SRS will continue to play a key role in raising awareness across the partner Councils of the SRS role and how it can integrate with the wider Council agendas. The WAO report for the safeguarding of children recognised the excellent work undertaken by the SRS highlighting that the Council could consider ways in which it could extend its safeguarding training offer, for example building on the Child Sexual Exploitation awareness training given to taxi drivers and the safeguarding training for those working in the night time economy. Each Council is now developing safeguarding plans and SRS will support those initiatives as they progress.

Children are protected from harmful substances and products

Underage sales operations – During 2021-22, with the assistance of a young volunteer, 48 attempts were made to purchase a range of age restricted products, including alcohol, tobacco, knives, e-cigarettes and e-liquids. Seven of these attempts to purchase resulted in a sale (15%) of either alcohol or e-liquids, and the circumstances of each case (1 outlet in Bridgend, 1 in Cardiff and 5 in the Vale) were investigated. In one case, the retailer was issued with a fixed penalty notice in respect of the underage sale of an e-liquid, while another resulted in the prosecution of a Cardiff retailer and Premises Licence holder for selling alcohol to a person under the age of 18. The prosecution resulted in the licence

holder being fined £420 and ordered to pay £220 in costs together with a victim surcharge of £40.

Taxi provision is safe and fair

Taxi Licensing – The Driver and Vehicle Standards Agency (DVSA) is a government agency that approves people to be driving instructors and MOT testers and monitors the recall of vehicles. It also carries out tests that ensure buses and lorries are safe to be driven and undertake roadside checks on both vehicles and drivers. The DVSA joined forces with SRS officers in February in a joint operation in Cardiff to carry out checks relating to the mechanical standards and compliance checks of vehicles. The exercise carried, out over 2 days, resulted in checks of 41 vehicles. The overall compliance rate was poor, with only 30% of the vehicles checked being completely clear of defects. A total of 29 'Stop Notices' were issued by Licensing Officers due to a range of mechanical defects and faults with disability access systems, seatbelt fittings and vehicle trim damage. DVSA officers identified 10 defects that resulted in immediate prohibition action (to be fixed before driving away), 31 defects that resulted in delayed prohibition action (grace period given for repairs), 26 defects that resulted in advice being issued, and one vehicle was noted to have expired road tax which was taxed at the roadside. The range of mechanical defects found included suspension faults, steering faults, brake faults, air bag faults, defective tyres, fuel leaks and corrosion. One driver even obstructed an examiner by refusing an inspection and driving away which resulted in the issue of a £300 fixed penalty notice. The poor compliance rate illustrates the continued need for regulatory enforcement in relation to vehicle standards and the importance of joint inspections with the DVSA.

Illegal money lending activities are prevented

Wales Illegal Money Lending Unit - Dealing with the personal and 'social' fallout linked to the criminality of illegal money lending is difficult to quantify. Reporting rates are often low and victims are sometimes unwilling to name the lender for fear of repercussion. In 2021/22, 13 pieces of intelligence were received, resulting in 7 operations being carried out, and 8 illegal lenders being identified. The total value of all loans given out by these illegal lenders was approximately £64,000. 9 victims have been identified and supported as part of the team's investigations; and approximately £30,000 of debt has been 'written off' via intervention.

Illegal Money Lending Education and Training - The Wales Illegal Money Lending Unit (WIMLU) is small team covering the whole of Wales. As a result, it is reliant on other public agencies, housing providers and third sector organisations to be its eyes and ears. These are the 'front line' people who will encounter the victims of loan sharks through their daily activities and provide the richest vein of intelligence available. To exploit this and encourage reporting, WIMLU proactively seeks opportunities to present to these organisations on our work. The restrictions imposed as a result of the Covid-19 pandemic led to the indefinite postponement of Client Liaison training programmes, however, new forms of engagement emerged very quickly. These new forms of engagement have evolved into useful tools to raise awareness of loan sharks, not least because the harsh economic consequences of lockdown have underlined concerns that loan sharks will exploit the financially vulnerable. Training sessions have continued to be delivered virtually since the onset of the pandemic, and the team still receives frequent requests for information and training of frontline staff and community based public facing support services. In 2021/22, training was delivered to 22 different organisations from all over Wales, reaching 319 participants. This included Flintshire Citizens Advice Service; Ceredigion Family Support Service and the Vale of Glamorgan Council Tenancy Support Team.

Awareness raising activities – In addition, WIMLU undertook a number of other awareness raising activities and this included the Principality Building Society inviting the team to run an awareness raising session during their financial crime awareness week. This was attended by a high number of customer facing staff. During National Safeguarding Week WIMLU was invited to speak to over 20 people within the statutory and voluntary supporting people sectors. The theme was 'Debt, Mental Health and Loan Sharks' and presented an excellent opportunity to explore this challenging theme. Training for Citizen's Advice staff and volunteers continued, with Torfaen and Flintshire colleagues attending virtual awareness raising sessions. The Vale of Glamorgan's Homes and Safe Communities Scrutiny Committee requested an update on the unit's work. The committee was well attended, and WIMLU's input was widely reported in local and national Welsh media. The Council's Housing and Tenant Liaison departments subsequently requested and received training. During the course of the year, the West Wales Financial Capability Forum resumed its activities and WIMLU had an opportunity to promote its work, and finally, Ceredigion Council's Family support team attended a virtual training and workshop session.

Within the charitable sector, Kinship Carers made contact with WIMLU and a valuable engagement session took place as a result. The session explored the likelihood of illegal money lenders attempting to exploit vulnerabilities arising from the problems experienced by people caring for children in difficult circumstances. Melin Community Trust, based in Neath Port Talbot also took up the training offer.

Near Miss Scheme/POCA Community Based initiatives - Monies obtained from loan sharks under the Proceeds of Crime Act is used by WIMLU on initiatives that raise awareness of the problems caused by illegal lending in our communities, and how those affected, and the wider public, can report concerns. In 2020/21 a fixed amount of proceeds of crime funds were set aside for a year-long pilot of a new initiative known as the 'Near Miss Scheme', encouraging responsible borrowing from Credit Unions.

Working with the Cambrian Credit Union in North Wales, a pilot exercise in which individuals who have narrowly missed out on satisfying the Credit Union borrowing criteria, benefited from having small loans underwritten by proceeds of crime funds. The pilot has been very successful, resulting in 28 loans being issued with only 2 defaults, and the Credit Union concluding that the project "enabled staff to think differently about loan decisions… and take a more calculated risk". In addition, their rejection rate decreased by 10%. Crucially, all the 'near miss' borrowers started savings accounts as a result of their inclusion, and some were able to go onto borrow further additional monies. Such was the success of the scheme, that in the course of regular meetings with Welsh Government, the Scheme was discussed and on the basis of it's success, Welsh Government is considering a national scheme underwriting similar marginal loans.

WIMLU/Credit Union – Paid for ads – Another POCA funded project undertaken by the WIMLU team was aimed at promoting affordable credit to users of Facebook and Google. This project funded the sponsoring of adverts for the Credit Unions of Wales which boosted the social media profile and visibility of the Credit Unions so that the adverts were targeted at those searching for small loans utilising the algorithms of these platforms and appearing in searches. The project took place between July and November 2021 and resulted in an 148% increase in traffic to loan pages compared to the previous 6 months and 54% of traffic to the Credit Union of Wales website was via these paid for adverts.

Emerging issues

Economic impact on lending - The harsh economic consequences of the Covid pandemic and the current cost of living crisis have underlined concerns about the type of borrowing undertaken by individuals. As a service we have seen loan requests from Welsh borrowers for as little as £7. People who are struggling to pay the bills can easily fall prey to loansharks and scammers. Recent research commissioned by The Wales Illegal Money Lending Unit (WIMLU) reveals that Welsh citizens are using Reddit to look for loans from other users to make ends meet. The most shocking finding was that less than 45% of loans to Welsh borrowers were given by lenders who were in good standing, and nearly a third (31%) of lenders either had no track record of lending, or were subsequently banned from reddit due to account violations. The majority of these loans are for relatively small amounts of money and are mostly to cover cash flow problems and everyday living expenses. Any registered Reddit user, provided their account meets basic criteria, can request a loan by simply posting in new thread on the relevant subreddit. This thread can be responded to by any other Reddit user who wishes to provide the loan on the terms requested by the borrower, wherever they are in the world. The finer details of the transaction are finalised via private messaging. This type of lending is completely unregulated and open to abuse.

Cost of living crisis - The cost of living crisis in the UK has the potential to impact a number of services within SRS. With rising prices on energy, fuel and other products coupled with national insurance increases and interest rises, people will have less disposable income. This plan has already highlighted some of the possible issues in terms of improving health and wellbeing, but this theme also runs through our safeguarding work. As people have less disposable income, they may be tempted to take on cheaper rogue traders to undertake work in their homes, which could lead to an increase in complaints and enforcement action. Similarly, people could be tempted by unregulated forms of credit and fall prey to loan sharks and scammers.

Buy now pay later deals have increased dramatically during the pandemic. This unregulated form of credit allows consumers to delay payment for goods, without interest and has gained a foothold among the under 30s and those with tight finances. Companies such as Clearpay, Laybuy and industry leader Klarna give online shoppers options to pay for products via instalments at the checkout and there are concerns that people are signing up for credit without fully understanding that this is the case and that it is being made easier for consumers to buy more than they can afford. While the UK Government has consulted on the future of the buy now, pay later sector, it will be some time before any regulation will take-effect.

Ageing population - On a national level, we are living in an ageing population with increasing levels of loneliness and cognitive impairments such as dementia. Nearly half of all people over 75 live alone. In addition, the Social Services and Well-Being Act 2015 creates a duty of care to protect persons at risk from financial abuse; with partnership working and cooperation at the heart of this approach.

Preventing crime, and supporting safe, confident, resilient communities, is a key aspiration that SRS shares with the South Wales Police and Crime Commissioner. Shared areas of work might include scams and cyber crime, night time economy and licensing, victim support and safeguarding, general intelligence sharing and substance misuse together with underage sales, including knife crime. This is putting further strain on already stretched resources as the potential number of victims to scams and doorstep crime increases and expectations of successful interventions rise.

The pandemic and government restrictions resulting from COVID-19 highlighted the opportunities that fraudsters will seize upon to take advantage of a situation. Within days, new scams and frauds relating to Covid-19 were being highlighted including text messages designed to obtain bank details or monies. The cost of living crisis will see a reduction in disposable income for many consumers which could result in these fraudsters exploiting similar opportunities to take advantage of those seeking more affordable options. There is now a greater need to try and protect more vulnerable residents in the face of the likely increase in reporting during the coming year.

Awareness raising activities are crucial to crime prevention, but they invariably increase the demand for the service. We will support South Wales Police as it delivers the Police and Crime Plan and will endeavour to enhance the protection available to the most vulnerable in our communities.

HMRC Conditionality checks – From April 2022, the renewal of licences for drivers of taxis and private hire vehicles and also for scrap metal dealers and collectors, will only be possible if the person applying can show they have completed a tax check with HMRC. This is in addition to the requirements already in place by licensing authorities. The process requires that typically once every 3 years an online tax check will be made on renewal to confirm that applicants are registered for tax if they need to be. Applicants will need a tax check reference number which they get by submitting their details into the online service. The licensing authority will use this to confirm with HMRC that the applicant has completed a taxi check. First time applicants will not have to complete the check but instead, licensing authorities will make sure they have access to HMRC guidance, showing them what they need to do in order to be properly registered for taxi in the future.

What we plan to do next

** - Cardiff Corporate Plan *** Vale Service Plan

Safeguarding the vulnerable	Lead Responsibility
Support the 3 partner Councils in fulfilling their safeguarding responsibilities. ** & ***	All OMs

Children are protected from harmful substances and products

Contribute to the safeguarding agenda by working with partners to safeguard the vulnerable to ensure that children are protected from harmful substances and products, older people are protected from rogue traders and scams and vulnerable people are not subject to exploitation, slavery and exploitation. ***	All OMs
Conduct intelligence led underage sales exercises in relation to the sale of tobacco, alcohol, nicotine inhaling products, knives and other age restricted products.	C Hill

Illegal money lending activities are prevented

Build on the 'Near Miss' Pilot Scheme and consider other Proceeds of Crime funded community opportunities.	J Bale
Support victims of illegal money lending to access debt advice, rebuild their finances and make a sustainable transition to legal credit and carry out enforcement to remove loan sharks from communities ***	J Bale

Vulnerable people are not subject to exploitation, slavery or trafficking

Continue a programme of training and awareness of Child Sexual Exploitation, slavery and trafficking to protect vulnerable residents.	W Lane

Taxi provision is safe and fair

Engage and respond to any further consultation from Welsh Government on their public transport consultation to introduce national standards for taxis.	W Lane
Undertake enforcement exercises to ensure compliance with the provisions of the Equalities Act and to ensure compliance with taxi regulations.	W Lane

What we will measure during 2022/23

Performance Measures 2022/23	Target
• % of reported scams/doorstep crime incidents prevented /resolved through intervention.	80%
• % of licence holders receiving disciplinary action following receipt of notifications of safeguarding concerns.	Not applicable
• No. of people reached through education or training on scams and doorstep crime.	500

Priority

Protecting the environment

Outcomes

- The environment is protected from harmful emissions to land, air & water
- People will use energy efficient buildings and products
- Communities are protected from nuisance and are safer
- Animals are treated humanely

Outputs

Remediate contaminated land and undertake water sampling	Monitor air quality	Regulate industrial processes through environmental permitting	Operate market surveillance programmes on energy efficiency
Bring empty homes back into use	Respond to noise and air complaints	Work with partners to improve student safety & their impact on the community	Enforce taxi licence conditions
Control stray dogs and horses	Inspect overloaded vehicles	Contribute to the planning process	Respond to environmental information requests

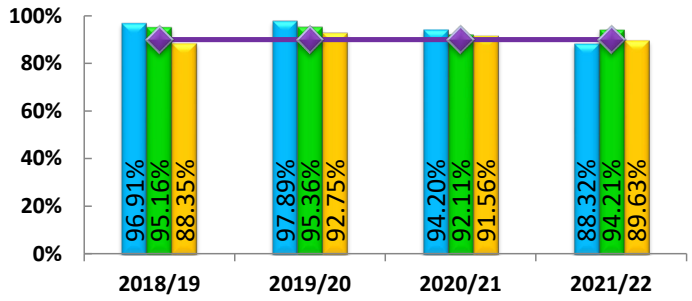
In addition, our outcomes also contribute to the following wellbeing goals:-

A prosperous Wales | A resilient Wales | A healthier Wales | A more equal Wales | A Wales of cohesive communities | A Wales of vibrant culture and thriving Welsh Lanauage | A globally responsible Wales

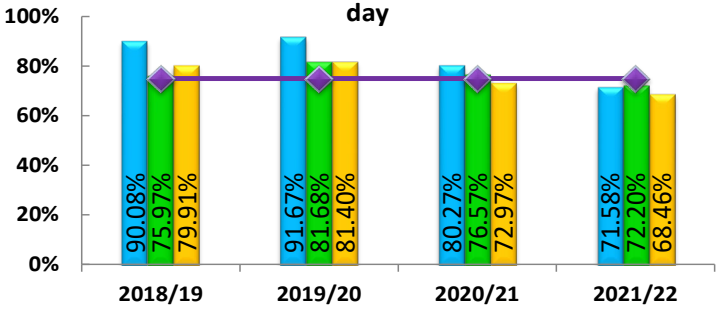
Protecting the environment is a core strategic priority of SRS. Many of the activities listed here such as water sampling, monitoring air quality, and remediating contaminated land contribute toward promoting a better environment which in turn means better long term prospects for the health and wellbeing of our communities. However, the work in protecting the environment goes further, we ensure communities are protected from nuisance and are safer by investigating noise complaits, dealing with stray dogs and horses. We have a key role to play in the wider climate change and future generations agendas through our enforcement role on energy efficiency controls on properties and products. The impact of these activities is less apparent in the short term for communities, but has an important role for future generations.

How we performed

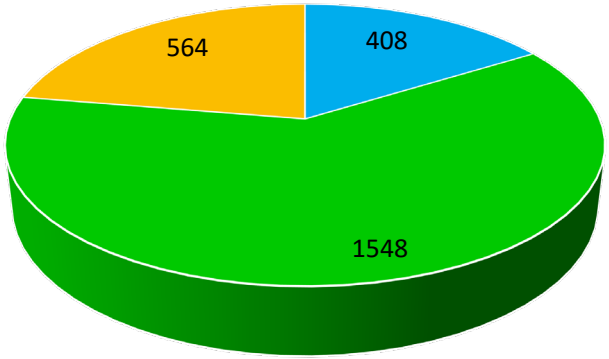
% domestic noise and air complaints responded to within 3 working days



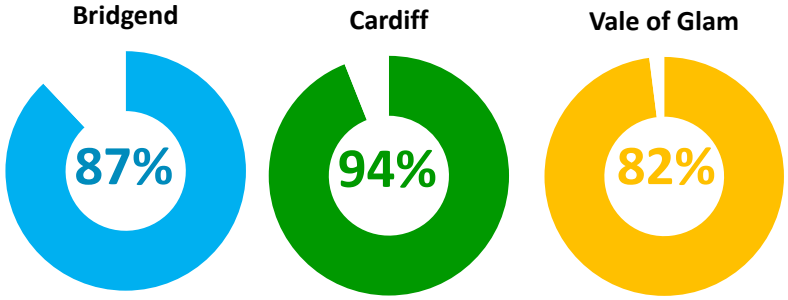
% commercial and industrial noise and air complaints responded to within one working day



No. of Air Quality Samples taken during 2021/22



% of alarm complaints responded to within one day 2021/22



What we have achieved

The environment is protected from harmful emissions to land, air and water

Air Quality - The issue of Air Quality is never far from the headlines and the impact of poor air quality on health is well documented. Indeed air pollution continues to be the largest environmental risk linked to deaths in the population with long term exposure (over several years) contributing to a reduction in life-expectancy primarily due to an increased risk of mortality from cardiovascular and respiratory causes. At a national level, the UK and devolved Governments have legal obligations to achieve nitrogen dioxide annual average limit value (40ug/m3) compliance in 'the shortest possible time'. This stems from an EU directive and was meant to be achieved by 2010; the EU provided time extensions to this date and the Westminster Government published the UK Plan for tackling roadside nitrogen dioxide concentrations (July 2017).

SRS continues to deliver the statutory local air quality duties for Bridgend, Cardiff and the Vale of Glamorgan Councils, ensuring the Annual Progress Reports are submitted and approved by each respected Cabinet. These reports provide vital information on the local air quality in each area, and provide relevant updates on statutory work such as the Park Street Air Quality Action Plan for Bridgend, and the delivery for the Clean Air Plan for Cardiff. Work to improve and enhance monitoring capabilities across all 3 local authorities also remains a priority for SRS.

In **Bridgend**, the 2021 APR highlighted continued non-compliance of the annual average air quality objective for NO2 at number of locations within the Park Street AQMA, even when accounting for the impacts from COVID in terms of reduced travel demand. Work has continued in terms of assessing measures outlined in the Draft Air Quality Action Plan (AQAP) to pursue mitigation options that will manage and improve traffic flows through the Park Street AQMA in order to reduce NO2 concentrations in line with air quality objectives. In March 2022, cabinet received the preliminary results of the assessment of the key options for Park Street. The modelling results indicate that NO2 concentrations at the majority of locations will achieve compliance with the annual average air quality objective for NO2 of 40 µg/m3 by the end of 2023, including all currently monitored locations within the AQMA. Two modelled locations do still show a slight exceedance of the objective. Cabinet has agreed for a public consultation on these options to be undertaken following the local government elections. Following completion of the public consultation a final AQAP will be reported to Cabinet for approval prior to submission to Welsh Government by the end of September 2022.

In **Cardiff,** the 2021 APR highlighted that no monitoring sites recorded concentrations in exceedance of the annual average objective set for NO2 of 40 µg/m3. The results were indicative of the impacts of the COVID lockdowns and restrictions on pollution levels in Cardiff, which was likely owing to traffic volumes having decreased. SRS continues to support delivery of the Cardiff Council Clean Air Plan in line with the additional Legal Direction it received. Work in 2021-22 has ensured delivery of a number of key measures in the Plan, namely implementation of 36 Electric Buses, Retro fit programme of 49 buses, and a taxi lease scheme in conjunction with a 30 day try before you buy scheme with Cardiff Capital Region. In November 2021, Cabinet implemented an interim transportation scheme on Castle Street following approval in June 2021. Work is ongoing to assess the implementation of a permanent scheme on Castle St to ensure long-term NO2 compliance post COVID recovery.

In the **Vale of Glamorgan**, the 2021 APR demonstrated that no monitoring sites recorded concentrations in exceedance of the annual average objective set for NO2 of 40 µg/m3. Monitoring within the previously declared Windsor Road Air Quality Management Area (AQMA) showed continued compliance concerning the applicable air quality objectives for NO2.

Environmental Sampling – SRS completed the assessment and sampling of all statutory private water supplies across the region and ensured statutory returns were supplied to the Drinking Water Inspectorate as required. This involved 49 visits across the region to take water samples at private water supplies. 46 environmental samples were also taken at beaches and lakes across the region. Furthermore SRS took 2520 air quality samples across the region .

Lease Scheme for electric wheelchair accessible vehicles – Welsh Government has set a target of de-carbonising the taxi fleet by 2028 and to facilitate this have in conjunction with Day's Rental introduced an Electric Taxi Scheme. This Scheme gives licensed taxi drivers the chance to trial a fully electric, wheelchair-accessible vehicle for 30 days and review the financial and environmental benefits of zero-emission vehicles. Cardiff Licensing Team have assisted with the introduction of this lease scheme, enabling 16 new electric hackney carriages vehicles to be rented out to existing vehicle owners.

Animals are treated humanely

Illegal dog breeder jailed for illegal dog breeding, animal mutilation, causing unnecessary suffering to an animal and illegal importation of dogs – This case was brought to light via an anonymous email to the service from a member of the public claiming that a Cardiff man was breeding dogs illegally. It was alleged that he was selling American Bully puppies through Facebook without a dog breeders licence under the name 'Bulletproof Bullies'. Following investigations, a search warrant was carried out at

the offender's property where 5 breeding bitches and 3 male-dogs were discovered, as well as 8 puppies. The offender was unable to provide any passports for three of his adult dogs at that point, and 6 out of the 8 puppies had recently had their ears cropped, a form of animal mutilation prohibited by the Animal Welfare Act 2006. These 3 dogs together with the 8 puppies were subsequently seized. Further investigations carried out with veterinary practices, identified the scale of the offender's illegal trading with the finding that he had registered 67 dogs at one local veterinary practice alone. He was sentenced to a total of 16 weeks in custody with immediate effect, fined £1200 and ordered to pay costs of £9775. He was also banned from keeping animals for a period of 8 years, with no right to apply for this ban to be revoked for a period of 5 years. In addition, an order was made to deprive the offender of the 8 puppies that were seized, as well as the 8 adult dogs and a victim surcharge of £120

Puppy Breeders prosecuted and ordered to pay more than £450,000 – In this further case of illegal dog breeding, a Vale of Glamorgan couple were ordered to pay more than £450,000 following a successful prosecution brought by SRS. The couple were convicted of breeding bulldogs without a licence and on animal welfare counts relating to the number of litters produced within a short period. Officers found that breeding dogs were not given enough time to recover, often being artificially inseminated soon after delivering a previous litter. A warrant executed at the couple's home found 28 dogs in an outbuilding, a laboratory with equipment including a multipurpose centrifuge machine, microscopes, equipment for storing and collecting semen, and for taking blood. A further 30 dogs were discovered at two other properties. Investigations found that the couple bred at least 67 litters between 2014 and 2020 with information on known C-sections indicating 43 litters had been delivered between 2018 and 2019. One dog had delivered 6 litters within a 4 year period while numerous others were forced to deliver 2 litters in less than a 12 month period. The dogs were registered with 5 different veterinary practices and litters given different names and addresses to avoid detection by both the local authority and the kennel club. The couple were fined a total of £19,000 each, ordered to pay prosecution costs of £43,775.50 and a victim surcharge of £175 each. They were also told to repay a total of £372,531.54 within 3 months in a Proceeds of Crime Hearing or face a 2 year prison sentence.

South Wales Police and Crime Commissioner Partnership Award 2021 recognised our hard work in the seizure of 240 horses in appalling conditions in January 2020, and the subsequent prosecution and disqualification of the owner under the Animal Welfare Act. As a result of the very best in partnership working, SRS Officers had worked alongside the RSPCA and equine charities to seize the horses from three different locations, supported by colleagues from South Wales Police. In addition a further partner, South Wales Fire and Rescue Service, came to the rescue with emergency lighting when darkness began to fall, enabling the teams to work into the night to complete the task.

People will use energy efficient buildings and products

Empty Homes – In **Bridgend**, SRS has responded to 245 new service requests from members of the public, empty property owners and internal staff requesting advice and support in relation to empty properties. Work has continued in Bridgend in relation to empty properties which has resulted in considerable progress, with 17 longer-term empty properties. The owners of these properties have received help and assistance mainly using the 5-stage letter process and on occasions may have been subject to the service of an Enforcement Notice. This has resulted in properties being marketed for sale, in change of ownership, and in renovation works commencing. A total of 115 properties have now been risk assessed and action has been targeted in relation to the 'top 20' properties. Of these, planning permission for renovation work has been obtained in respect of two, six properties are subject to formal enforcement action and a grant application has been submitted in respect of one.

In **Cardiff**, SRS presented a new Private Sector Empty Homes Policy 2021-2024 to Cardiff Council's Cabinet, which was agreed. The Policy underpins the work undertaken against two Public Accountability Measures (PAMs) relating to homes brought back into use and new units of accommodation. The increased profile of this work due to the adoption of the Policy has secured an extension of funding from Cardiff Council enabling the service to employ 2 empty homes officers for a further 2 years. Key to ensuring effective corporate working on the issue of empty homes has been the establishment of an empty homes working group which met on several occasions during the year and is useful in shaping corporate working to maximise performance. An action plan has also

been submitted to Welsh Government which has had formal approval. This will enable the drawing down of funding to underwrite losses made in any subsequent activity taken against the worst, derelict, long term empty City Centre properties. In total 84 properties were returned to use or new units created as a result of empty homes work during the last year.

Communities are protected from nuisance and are safer

Straying horses and dogs - Our Animal Health and Welfare team has continued to work proactively across the area to reduce the instances of straying horses and associated welfare issues. Regular patrols have been carried out and stray dogs and other animals picked up, while at the same time, officers have taken every opportunity to work with residents across the region to improve responsible ownership.

Vale resident prosecuted for excessive bird feeding – This case arose as a result of anti-social behaviour caused to neighbours by a resident feeding wild birds. The resident left large quantities of bird food outside her house causing those living nearby to be subjected to noise nuisance, the threat of injury from swooping seagulls, excessive bird mess on houses and gardens, and the presence of rats and other vermin, attracted by the feed, which caused damage to properties in the street. Initially the defendant was served with a Community Protection Notice, requiring her to stop all feeding of birds on the land, however a few months later she was found to be feeding the birds again. The resident was charged with offences under the Prevention of Damage by Pests Act 1949, and the Anti-social Behaviour Crime and Policing Act 2014 for failing to comply with the Community Protection Order. The resident was fined £1000 and ordered to pay costs of £3583 together with a victim surcharge of £100.

Student Liaison – The Student Liaison Officer (SLO) is a role that sits in the Cardiff Student Community Partnership (CSCP) and is jointly funded by the universities in Cardiff and Cardiff Council. The role focuses on facilitating work between Higher Education Institutions, the Local Authority, Police and Health Board including initiatives to address student-community issues and to collaborate with members on strategic ambitions for the city.

Over the course of the last year, the SLO has focused on the redevelopment of the governance structure and work programme of the Partnership. The successful collaboration between SRS, Cardiff Council, South Wales Police, CAVUHB and the Universities to support students and address issues during the pandemic demonstrated the need to further embed joint-working practices in other areas. To reflect this shared approach, the CSCP's membership has been expanded to formally include SWP and CAVUHB, and a new governance structure has strengthened links across the organisations to improve the decision-making process and the delivery of the partnership's work programme. The priority areas have also been redeveloped and now include: 1) Community Life, 2) Student Health & Wellbeing, 3) Economic Development and 4) Net Zero, and the SLO is working with the members to establish a new work programme to reflect those priority areas.

Communications have also been a key focus of the SLO. The CSCP's public brand - Cardiff Digs - now has Instagram and Facebook pages to reflect the channel preferences of students. The Cardiff Digs channels (social media and website) host annual advice campaign content such as housing and waste management advice as well as a wide range of relevant content from partners such as SRS's food allergy awareness campaign or Cardiff Council's voter registration campaign. With the return of in-person events, the SLO supported by members from SRS's Pollution and Housing Enforcement teams as well as Cardiff Council's Waste, Sustainable Transport and Electoral Services Teams attended engagement and training events aimed at students and staff. The SLO also supported the development of new resources such as guidance tools for students to help manage waste and recycling at their properties and supported outreach activities including Community Days at the universities and door-knocking campaigns by the Waste Strategy Team, South Wales Police and University Advice Teams. The SLO will be working with the partnership on a new communications strategy and campaign plan for the next year.

The SLO has also contributed strategic input into a range of groups, meetings, plans and consultations including the Cathays and Plasnewydd Operations Board, the U.K. Town and Gown Association, WRAP Cymru, Keep Wales Tidy/Caru Cymru, the consultation for the redeclaration of the additional HMO licensing scheme in Cathays and Cardiff's Local Development Plan as well as helped facilitate links between the University/Students' Unions and Local Authority Teams on specific case work.

Cardiff street prohibited for street trading – Following complaints from local residents about a burger van trading next to a busy junction in the Whitchurch area of Cardiff, SRS Licensing officers worked with colleagues in Cardiff Council and local residents to prohibit nearby streets for street trading purposes. In this case, residents were concerned that a burger van permanently parked in a newly created residents parking bay was creating a nuisance and potential safety risk due to an extension cable running from an adjacent property to the van across an adopted footway, and customers illegally parking and causing obstruction on a busy junction used by school children. Following consideration of these complaints, 4 streets in Whitchurch were declared as prohibited, making it an offence to street trade.

Emerging issues

The **Domestic Minimum Energy Efficiency Standard (MEES) Regulations** set a minimum energy efficiency level for domestic private rented properties requiring properties which require an energy performance certificate (EPC) to have a minimum 'E' rating on their EPC assessment, or have a valid exemption registered. If a property has an F or G rating, owners are required to improve the property's rating to E or better, or register an exemption before entering into a new tenancy. The cost of making improvements is capped at £3500 (including VAT), so if owners cannot improve their property to an EPC E for this amount or less, they are required to make all the improvements they can make up to that amount, then register an 'all improvements made' exemption. Although these regulations have been in place for some time, they now apply to all private rental contracts, not just those that are new. Delivering on this area of work now has even greater urgency, given the need to improve energy efficiency and reduce carbon emissions, and also as a result of the recent energy price rises, which are already impacting tenants of such properties.

Avian Influenza is an infectious disease of birds caused by the influenza A virus. Birds are the hosts for most avian influenza viruses and domestic poultry are especially vulnerable and the virus can rapidly cause epidemics in flocks. Human infections with avian influenza are rare, however, some viruses, have been associated with human disease. Following a number of detections of avian influenza (bird flu) in wild birds across Great Britain, the Chief Veterinary Officers from Wales, England and Scotland declared an Avian Influenza Prevention Zone (AIPZ) across the whole of Great Britain to mitigate the risk of the disease spreading amongst poultry and captive birds. When such a zone is declared, owners must put in place a range of disease control measures to prevent the disease spreading to poultry and other domestic birds. While these controls are effective in domestic and commercial settings, it can become particularly challenging when the influenza is present in the wild bird population where traditional controls used in these situations are ineffective and difficult to manage. An example of this is the recent cases of Avian influenza affecting swans at Cold Knap in Barry and Roath Park in Cardiff which were found to be unwell or to have died from Avian influenza and there were reports of the public handling the animals and carcasses.

Pets from Ukraine – Any pet travelling to the UK must meet strict health requirements. to ensure they are not bringing diseases which do not exist here that could be very serious. These include, but are not limited to, rabies. Whilst Welsh Government understand how important pets are to their owners, they, unlike the UK Government have made a decision to uphold quarantine requirements on pets arriving from Ukraine. Therefore cats, dogs and ferrets traveling to the UK from an unlisted third country, such as Ukraine, are considered compliant and can enter and move freely across the UK only if they meet a number of requirements, including a 3 month quarantine. These requirements will form part of the Homes for Ukraine suitability checks to ensure that homes are suitable for pets.

Dog ownership –During the covid pandemic of the last 2 years, the UK saw a significant rise in dog ownership as individuals and families who found themselves spending more time at home, sought the companionship of a dog. There were concerns during this time, that as people returned to work, this could lead to issues with separation anxiety, and that the economic fallout from the pandemic would result in a spike of straying and abandoned dogs which owners are no longer able to look after. Currently, the cost of living crisis is giving further cause for concern and we are seeing a rise in the number of dogs being housed in rescue centres, some finding their way there as 'fake strays'. While the service has yet to see a significant rise in noise complaints regarding dogs barking as a result of separation anxiety, there is potential for this to increase as restrictions end and more and more people will be required to return to the office/workplace.

Increase in Illegal dog breeding – As demonstrated by the successful prosecutions carried out by SRS, the high value of certain dog breeds together with the increase in consumer demand for puppies has led to an increase in complaints to the Service. On-going investigations show that a number of these cases are complex, with multi agency involvement and links to organised crime. The largest illegal dog breeding case during the last year uncovered evidence of unlicensed breeding, the over-breeding of dogs, illegal importation and mutilation. Investigations into illegal dog breeding have highlighted a hidden industry with a particular area of concern being that of 'backyard' breeding. As a result, there appears to be an increasing incidence of unlicensed breeding and sick puppies. Officers will continue to work with partner agencies to investigate such reports and take appropriate enforcement action.

Seeking effective controls on activities linked to dog breeding – Current Welsh Government legislation requires that a person holds a dog breeding licence if they breed 3 or more litters of puppies on their premises in any 12 month period, and those puppies are supplied to customers. During the course of our investigations into illegal dog breeding, it has become apparent that a number of practices allied to breeding can legitimately take place without the need for a dog breeding licence. For example, no licence is needed for the supply of stud services or the sale of semen, nor for the advertisement of puppies produced as a result of those stud services. Similarly, no licence is needed where bitches are acquired when already pregnant. It is clear that these 'linked' practices can be hugely lucrative, serve to fuel the illegal dog breeding market and associated animal welfare concerns, and yet they are completely unregulated.

What we plan to do next

Protecting the environment	Lead Responsibility
The environment is protected from harmful emissions to land, air and water	
Undertake local air quality assessments and review the data to ensure that national air quality objectives continue to be achieved.***	J Bale
Complete the public consultation and agree and implement the Action Plan for the Park Street, Bridgend AQMA.	J Bale
Contribute to good air quality in Cardiff by: • Updating the Clean Air Strategy and Action Plan and implementing further measures to improve air quality; • Reviewing real-time air quality data to assess and identify trends in pollution to assess further interventions that will further reduce air pollution;	J Bale
People will use energy efficient buildings and products	
Work with landlords to return empty properties back into use helping to increase the availability of affordable housing for sale or rent in Bridgend and Cardiff.	W Lane
Review advice and support given to owners of long term empty homes and work with Welsh Government to establish the most effective enforcement route to deal with the worst long term, derelict empty homes and draw down funding to underwrite such action.	W Lane
Work with landlords and letting agents to raise the energy efficiency ratings of private rental properties in line with the requirements of the Domestic Minimum Energy Efficiency Standard (MEES) Regulations.	W Lane
Support the 3 partner Councils in fulfilling their climate change responsibilities through the delivery of regulatory activities that contribute to the reduction of carbon emissions. ***	All OMs
Animals are treated humanely	
Promote a register for all breeders, home boarders etc. that have a licence.	J Bale
Carry out investigations into illegal dog breeding.	J Bale
Review the impact of the implementation of the Animal Welfare (Licensing of activities involving animals) (Wales) Regulations 2021.	J Bale
Engage with Welsh Government regarding the welfare of stud and imported dogs and wider animal welfare issues related to dog breeding and sales.	J Bale
Work with partners to make the case for practices allied to dog breeding to be brought within the licensing regime and subject to the necessary enforcement controls.	J Bale
Communities are protected from nuisance and are safer	
Engage with students and residents during Freshers Week in Cardiff providing community advice on housing, environmental and social issues.	W Lane

What we will measure during 2022/23

Performance Measures 2022/23	Target
• % of domestic noise and air complaints responded to within 3 working days	90%
• % of commercial and industrial noise and air complaints responded to within one working day	75%
• % of alarm complaints responded to within one day.	90%
• % of stray dogs returned to owner or rehomed.	90%
• % of empty private sector properties brought back into use during the year through direct action by the local authority (Cardiff and Bridgend only)	TBC
• Number of additional dwellings created as a result of bringing empty properties back into use (Cardiff and Bridgend only)	TBC

Priority

Supporting the local economy

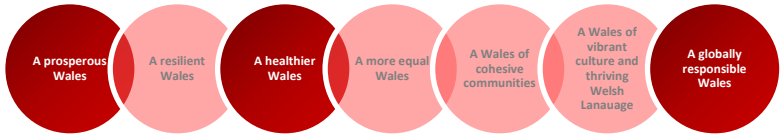
Outcomes

- A fair trading environment is maintained
- Informed and confident consumers
- Improved business practices and operation
- Accessible services responsive to business needs

Outputs

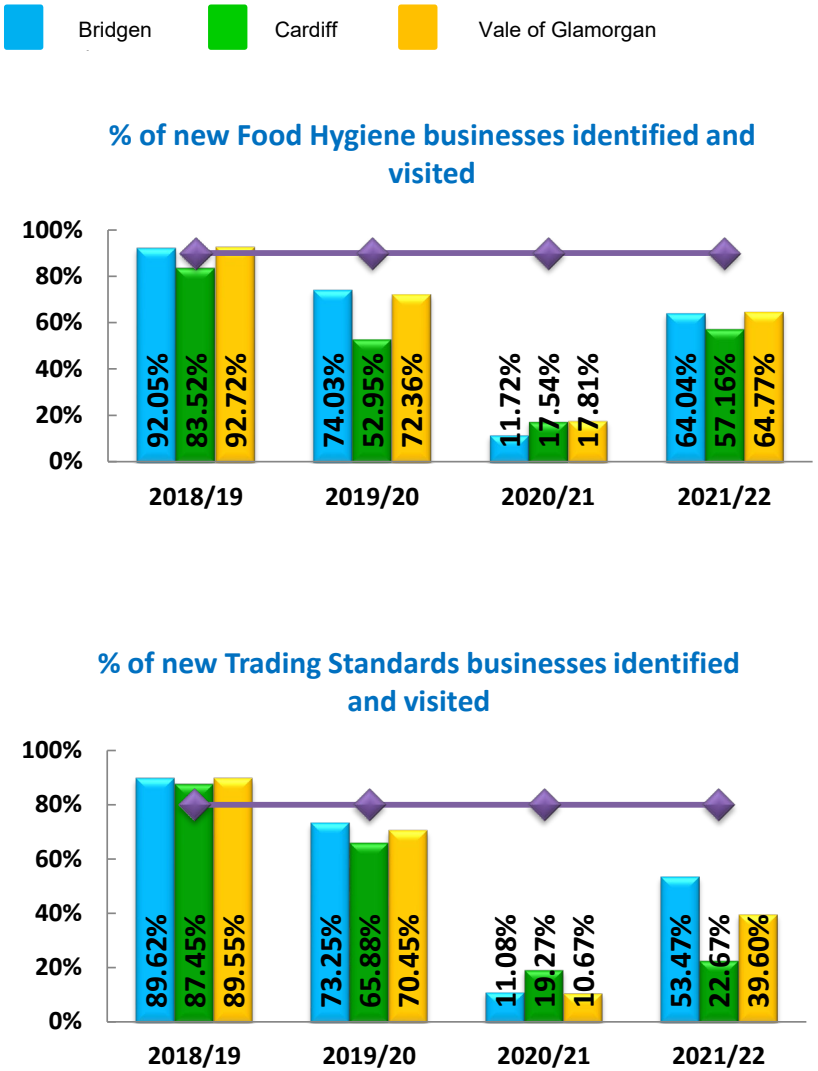
- Disrupt the supply of illegal and unlawful products and services
- Undertake inspection programmes
- Take enforcement action against those that flout the law
- Offer training and advice to businesses and consumers
- Work with businesses to improve standards
- License business activities
- Offer primary authority partnerships
- Contribute to business events
- Major events liaison
- Provide advice & information on licensing & planning applications

In addition, our outcomes also contribute to the following wellbeing goals:-



A strong local economy is a key component in the quality of life experienced by local people. The work of SRS has a significant, but often unseen, impact upon the local economy. The provision of timely advice and guidance on regulation can benefit the economic viability of businesses resulting in improved business practices; our growing role in the field of Primary Authority is testament to this assertion. Much of our market surveillance activity focuses upon maintaining balance in the "marketplace"; the equitable enforcement of regulations helps businesses to compete on equal terms ensuring a fairer trading environment. Our role as regulator also extends to information and education to support consumers to enable them to become better informed and confident. In an age where people can purchase goods and services without leaving home, the importance of the principle of "*caveat emptor*" has never been more relevant.

How we performed



What we have achieved

A fair trading environment is maintained

Cardiff cowboy builders who ruined dozens of homes jailed – In this case two builders defrauded 24 consumers out of £565,000 by targeting victims claiming thousands of pounds for work which was not needed, scaring consumers into thinking that their roofs were unsafe. The builders employed unskilled labourers who carried out poor quality work leaving consumers' roofs in worse condition, requiring significant sums of money to rectify. They used aggressive tactics against vulnerable victims with initial quotes being plucked out of thin air and escalating the price when the property had been partially or fully stripped of its roof and the property owners were in a vulnerable position. Consumers felt intimidated, bullied and robbed with one consumer losing over £86,000. Much of this fraud took place when one of the builders was awaiting sentence for a previous prosecution brought for similar offences and, whilst under a suspended sentence. The driving force behind the scam was sentenced to a total of 6 years and 10 months imprisonment, and his accomplice was sentenced to 3 years and 4 months imprisonment. A Proceeds of Crime application was made by the prosecution and a timetable set for April 2022, at which time compensation and costs will be dealt with as part of the application.

Bridgend rogue trader jailed – A rogue builder from Bridgend was prosecuted after leaving several people out of pocket. The trader defrauded a total of 20 people across South Wales including single mothers, NHS workers and a widow, causing a loss of approximately £50,000. In this case, the trader would demand customers pay an upfront deposit to 'secure a slot' for the work to be done then didn't return to complete the work or attend site and complete a nominal amount of work, often leaving to get more materials or due to a 'family emergency' and then never return. The trader pleaded guilty to 11 charges under the Fraud Act and 10 further charges under the Consumer Protection from Unfair Trading Regulations 2008. He was jailed for 16 months and an investigation under the Proceeds of Crime Act continues.

Sales blocking at Caravan Site – In this case, the owner of a caravan site in the Vale of Glamorgan was found guilty of offences relating to 'sales blocking'. SRS initially received a complaint from the owner of a residential mobile home located at the site, who on inheriting the mobile home had advertised it for sale and secured a purchaser who then completed the obligatory Proposed Sale Form which was submitted to the owner of the caravan site. The purchaser had indicated that he intended to park a Mitsubishi car on the site. The site owner however, applied to the Residential Property Tribunal for a Refusal Order in an attempt to stop the sale, claiming that the purchaser wanted to park

a camper van on the site, which site rules precluded. This was vehemently denied by the purchaser who confirmed that he did not and had never owned a campervan and had not made any calls to the site suggesting that he wanted to park a campervan. The Refusal Order was not granted by the Tribunal and the sale was eventually completed, but at a substantially lower price as the complainant had felt the need to reduce the sale price given the delays caused to the purchaser. SRS subsequently prosecuted the site owner who was charged with one offence under the Mobile Homes (Wales) Act 2013 for knowingly or recklessly providing information which was false and which could cause a potential purchaser of a residential mobile home to decide not to do so. It became clear in evidence presented during the court case, that the defendant had submitted a number of applications for Refusal Orders in other cases to the Tribunal in an attempt to frustrate the sale of homes. As a result of this prosecution the defendant was fined £1400, ordered to pay costs of £600 and a compensation order of £10,000 was made for the complainant to compensate him for the loss in sale price, which he was ordered to pay within 28 days. This case was subsequently highlighted on the BBC X Ray consumer programme.

Illicit tobacco – Illegal tobacco continues to present a problem in our communities, and the most recent market research available indicates that at least 15% of all tobacco and tobacco products supplied are illegal (either counterfeit or non-duty paid). Many smokers appear to be comfortable in purchasing illegal tobacco, presumably under the misapprehension that the only impact of its widespread use is the loss of revenue to HM Treasury. This thinking ignores the most serious harms caused by illegal tobacco. At around half the cost of legitimate product, illegal tobacco removes the price incentive for smokers to quit the otherwise expensive habit. In addition, the way in which illegal tobacco is supplied means that mainstream tobacco control measures such as minimum age of purchase and the tobacco display ban are undermined. Finally, supply chains for illegal tobacco are sufficiently profitable to appeal to organised crime groups (OCGs). Part of this attraction has been the much lower penalty associated with the selling of illegal tobacco when compared to other supply chains such as those for drugs, weapons, etc. SRS officers regularly carry out inspections often involving partner agencies including South Wales Police and Wagtail who provide tobacco detection dogs to assist with the location of the product whilst on site. This allows officers to locate 'hides' that are used by retailers to conceal the products that often require specialist skills to detect and open. During the year 29 seizures of illegal tobacco were made from vehicles, residential and retail premises. 53,682 packets of cigarettes and 152.5kg of hand rolling tobacco was seized during these operations with a total retail value estimated to be £697,942.

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Seizures of illegal tobacco

Counterfeiting - Counterfeit products are fake replicas of the real product and are often produced with the intent to take advantage of the superior value of the imitated product. The word counterfeit frequently describes the imitations of goods such as clothing, handbags, shoes, pharmaceutical, watches, electronics, software, toys and films. Counterfeit products tend to have fake company logos and brands, and have a reputation for being low quality, unsafe and may even include toxic chemicals. Counterfeit goods are sometimes considered 'victimless' crimes, but this is far from the truth as fake products can endanger the local economy and can potentially cause injury. Furthermore the huge profits can be used to fund other serious organised crimes such as people smuggling, drugs, guns, child pornography and even terrorism. In August 2021, SRS officers supported by an officer from South Wales Police attended Splott Market in Cardiff following intelligence received that counterfeit goods were being openly sold at the market. As a result, 602 counterfeit items of clothing were seized with an estimated retail value of £4,900 from three stallholders. All received a written warning and the seized clothing was either signed over for destruction or was forfeited in the courts.

Improved business practices and operation

Training provision - The Service has continued to consolidate its excellent reputation as a training provider and despite many covid restrictions being in place during the last year, impacting the delivery of face to face training, the service trained 98 delegates on accredited courses in Level 1 and 2 in Food Safety and Level 2 Food Allergens. The last year saw the service focus upon existing workplaces to reduce risks and build stronger relationships rather than offering publicly available training, mainly in departments within the Vale of Glamorgan Council. Furthermore, the service developed online training as an alternative to face to face training. Despite there being less demand for this type of training, the one online course held was very successful and we will look to continue to offer this type of training going forward. In addition to the accredited training, SRS trained over 65 businesses on the new changes brought in as a result of Natasha's Law on allergens which came into force last year, in addition to 37 SRS Officers on the same topic. Bespoke training on intellectual property matters when setting up an online marketplace was also carried out, resulting in over 300 delegates being trained in total.

100%

Of delegates felt training will benefit their business

Supporting businesses through the pandemic – Since the UK was put into lockdown on 23 March 2020, the government put into place a limited number of reasons for people to be allowed to leave their homes and imposed various restrictions on the opening of businesses. As a consequence, many businesses had to close or implement safeguards to prevent the spread of the virus, and it became the responsibility of SRS to enforce the Health Protection (Cororonavirus Restrictions) (Wales) Regulations across the region. During the following 2 years these regulations were updated as we moved from various

tiers according to the current risks, and throughout this SRS have been at the forefront of not only enforcing these regulations but providing guidance to businesses in order that they can operate safely. This period has been a challenging and unsettling time for all concerned but the unique position of SRS in regulating a diverse range of businesses has enabled us to provided targeted guidance and advice to different business sectors by way of mailshots, the SRS website, through Primary Authority partnerships, regular visits to businesses and responding to service requests.

Accessible services responsive to business needs

Primary Authority - The Primary Authority scheme enables a business to enter into a statutory partnership with a local authority through which it can receive assured advice. Provided this advice is followed, the Primary Authority (PA) is able to challenge intended enforcement action by other local authorities. SRS now has some 28 Primary Authority partnerships in place with both local and national businesses and is able to charge for the work done as part of these arrangements on the basis of full cost recovery. 2022/23 is likely to see further consolidation of this work.

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Primary Authority partnerships

Allergens Project – On 1 October 2021 the law on allergens and ingredients lists changed. Known as Natasha's Law, food businesses are now required to provide full ingredient lists and allergen labelling on foods pre-packaged for direct sale on the premises. In order to prepare businesses for the changes SRS undertook a project to raise awareness of the changes, improve the knowledge of food businesses across the SRS region and across the service to provide greater support to businesses. Four free online workshops were run via MS Teams for businesses based in Bridgend, Cardiff and the Vale of Glamorgan which took place between August and September 2021. Scheduled on various days and times to accommodate as many businesses as possible, 65 delegates were trained. Feedback received was very positive with several businesses indicating that they would share the information with their colleagues.

'Ask the regulator' podcasts – In order to make information and advice on regulatory matters as easy as possible to access, SRS launched a new podcast service in August 2021. The aim of these podcasts is to hold dialogues and discussions between regulators, businesses and members of the public on matters concerning environmental health, trading standards and licensing with a view to providing useful advice and guidance on things that matter to businesses across the SRS region. Produced by Bro Radio, the local community radio station focussed on the Vale of Glamorgan, SRS have so far produced 5 podcasts on subjects such as allergens, Halloween, Safeguarding, Food and Christmas, and health and nutrition and aim to produce further episodes through 2022/23 on other environmental health, trading standards and licensing regulatory matters. These podcasts can be accessed via the SRS website and are also available on Spotify.

Informed and confident consumers

As part of its Safeguarding role, the Service provides assistance to residents identified as being vulnerable in resolving difficulties encountered as a result of marketing scams and also more straightforward 'shopping' problems. In providing this service, the aim is not only to resolve the immediate difficulty facing a resident but to equip them as well as their families and carers with the knowledge and awareness to avoid similar issues arising in the future. This Plan has highlighted several prosecutions undertaken by SRS against rogue traders that have scammed individuals of money for work not completed and these examples demonstrate where SRS has been able to make a huge difference to the lives of residents needing assistance to resolve problems of this type. With the investment of officer time to provide tips on avoiding similar problems in the future, the legacy of these interventions is one where even our more vulnerable residents and their families are far better equipped to make informed decisions.

Emerging issues

New Food Businesses –Food businesses are required to register with the service if a new business is planned, the nature of an existing business changes or if there is a change of ownership following the creation of new legal entities such as a new limited company, sole trader and partnership. All new businesses are required to be inspected and the Food Law Code of Practice requires that where possible, they be inspected within 28 days of opening. This requirement places a significant impact on the resources of the Food Safety and Trading Standards functions due to the large number of applications

received. During 2021/22 900 food business registration applications were received, 529 in Cardiff, 166 in Bridgend and a further 205 in the Vale of Glamorgan all of which are required to be inspected alongside the planned programme of inspections. This is further exacerbated if businesses have poor compliance on initial inspection, requiring the need for further intervention.

Major events - SRS plays an important role in the successful staging of major events across the three local authority areas. In addition to dealing with any licensing matters associated with a particular event, SRS plays an essential role in ensuring that food sold at these events is safely prepared and stored, and that it is labelled correctly. In the case of stadium concerts and sporting events, input may be required to assist brand holders to protect trademarked goods and safeguard against the supply of counterfeits. Major events staged through the participant Councils go through a detailed planning process via the respective Events Safety Advisory Group in Bridgend and the Vale of Glamorgan, and in Cardiff via the Events Liaison Panel. SRS plays a role throughout the planning stages with respect to food safety, health and safety and brand protection. While summer is traditionally the busiest time for events, the summer of 2021 was exceptionally busy. This is due in part to the success of the City of Cardiff Council in promoting itself on the world stage as the home of successful events and also to a degree of event organisers and promoters making up for the time lost during the various spells of lock down. All of this has an impact on the service in terms of meeting demand from other areas of responsibility, at a time of diminishing staff resource, and in covering weekend and evening work.

Cardiff Music City – Cardiff Council's ambition of becoming a world leader in the music cities movement aims to create vibrant, exciting communities and increase the social and economic value of music in the City. Cardiff wants to become the first city in the UK to incorporate music into its city structure, from planning to licensing to social wellbeing and tourism. SRS will contribute significantly to these ambitions through its licensing policies and noise pollution functions and its important role in the successful staging of events. In supporting these ambitions it will be essential to consider the wider implications on communities and how these ambitions interact with regulatory services that protect residents and the public in general.

On-line retailing - The internet is undeniably driving change, and large retailers have responded by embracing multi-channel sales strategies. While the high street has not, as yet, been put out of business, there is a danger that traditional, physical stores will increasingly become secondary outlets to this strong online presence. It would seem inevitable that, in the longer term, the size and composition of the high street will be significantly impacted, as on-line shopping becomes a far more mainstream activity. Information technology and the fast developing digital environment are also causing a change in the way people interact, including in the way they interact commercially. Modern consumers increasingly access goods and services across the world through the tap of a phone screen or the click of a mouse. The internet presents an enormous opportunity for consumers and this became even more evident during the last 2 years, as shops were required to close, and customers relied heavily upon the ability to shop online, whether it be to order groceries, or other consumer products. The Office of National Statistics report that the proportion spent online soared to 35.2% in January 2021 from 19.5% in January 2020. The internet expands the size of the market and therefore gives access to more providers and more choice. It also makes it possible to compare products, suppliers and prices on an unprecedented scale. The internet is the most empowering tool consumers have ever had. A consequence of this for the law enforcement agencies like the SRS is that the "visible" high street has moved to an activity undertaken behind closed doors. Monitoring the market place through traditional market surveillance methods thus needs to change else the SRS will only be able react to incidents and not prevent them.

What we plan to do next

** - Cardiff Corporate Plan *** Vale Service Plan

Supporting the local economy	Lead Responsibility
A fair trading environment is maintained	
Conduct intelligence led operations to investigate and disrupt businesses selling illegal tobacco products and raise public awareness of how to report it.	C Hill
Incorporate regular surveillance and review of on line sales platforms into trading standards work due to the volume of goods being sold on line.	C Hill
Informed and confident consumers	
Continue to promote the 'Buy with Confidence' (responsible trader) scheme across the region	J Bale
Improved business practices and operation	
Extend training provision through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures.	J Bale/C Hill
Accessible services responsive to business needs	
Consolidate the advice and support requirements for our current Primary Authority partners	H Picton
Develop online training for businesses on Food Safety and other regulatory areas.	H Picton
Extend the scope of the 'Ask the regulator' podcasts to encompass other regulatory activities undertaken by SRS.	J Bale

What we will measure during 2022/23

Performance Measures 2022/23	Target
• % of new businesses identified which were subject to risk assessment visit or returned a self-assessment questionnaire during the year for food hygiene.	90%
• % of new businesses identified which were subject to risk assessment visit or returned a self-assessment questionnaire during the year for Trading Standards	80%
• % of businesses who felt that interaction with SRS has helped them improve standards of compliance in their business.	85%
• % of businesses satisfied with our paid for business advice services.	Baseline being set
• % of individuals who feel that the training they received through SRS will benefit their business.	95%

Priority

Maximising the use of resources

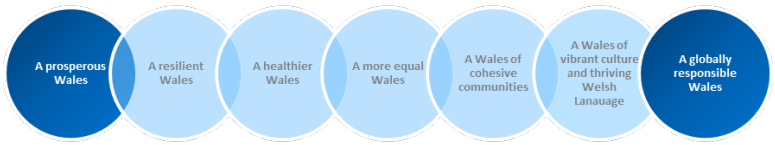
Outcomes

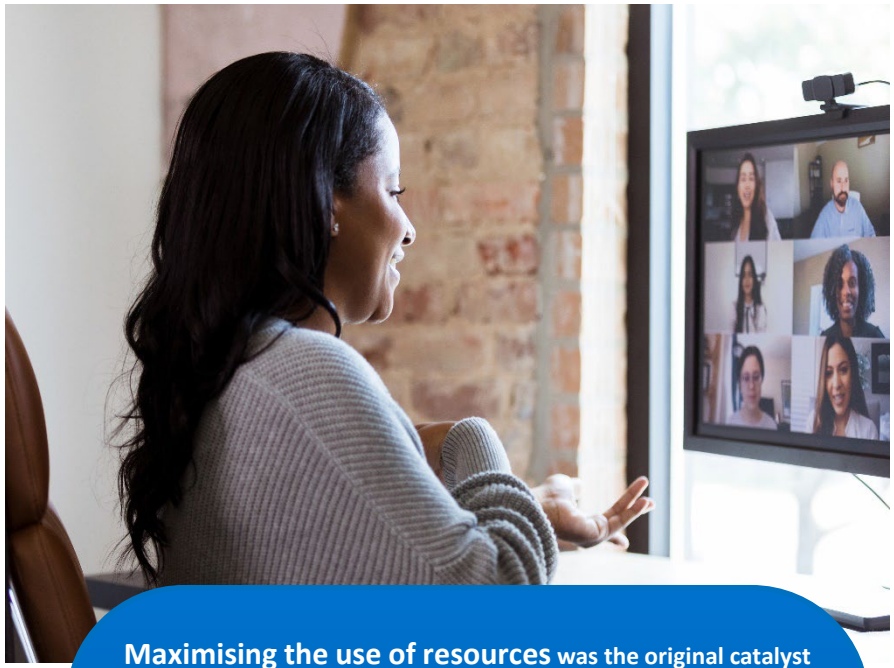
- SRS operates effectively & efficiently across all 3 areas
- Public and stakeholders are able to access our services
- Income generation underpins sustainable service delivery
- Staff are effective in their roles

Outputs

- Implement new and agile ways of working
- Make savings through economies of scale
- Seek new funding sources
- Promote the SRS to public and stakeholders
- Undertake customer engagement
- Respond to service requests
- Market the metrology laboratory
- Extend paid for advice services to businesses
- Extend the number of primary authority partnerships with business
- Offer additional training services
- Undertake staff engagement
- Invest in staff learning and development
- Monitor staff health and wellbeing
- Undertake staff performance reviews
- Monitor performance and apply resources accordingly

In addition, our outcomes also contribute to the following wellbeing goals:-



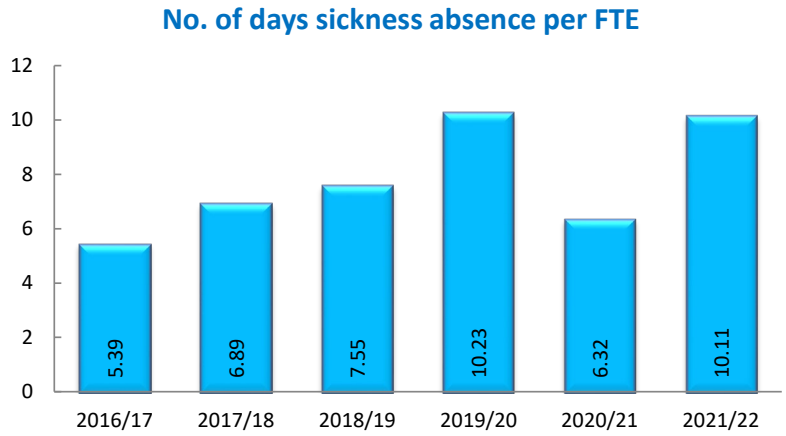


Maximising the use of resources was the original catalyst for creating SRS, and our work in this area continues. Reducing "triplication" of effort, introducing better processes, making our systems work without constant intervention, improving access into the service will all benefit our business and increase customer satisfaction.

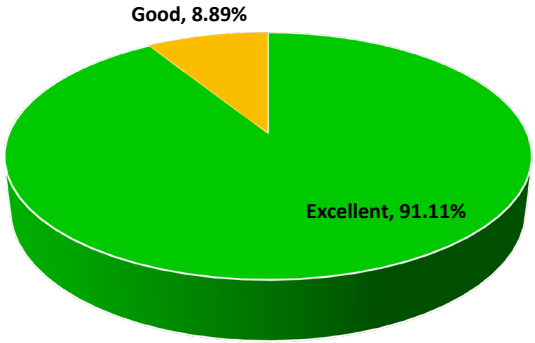
We are generating income, where possible, to underpin service delivery; activities like marketing our metrology laboratory, offering paid for advice services, building Primary Authority partnerships and extending our training provision to business are examples of our more "commercial" culture.

Above all, we recognise that crucial to the success of SRS are the people who work within the service. We will ensure that our officers are effective in their roles by investing in learning and development opportunities, by engaging them fully in the development of the service, and by fostering an environment where people are encouraged to think, lead and innovate.

How we performed



How training participants rated the training provided by SRS.



What we have achieved

SRS operates effectively and efficiently across all 3 areas

Staff Commitment during the Covid-19 pandemic – The Covid-19 threat to the health and wellbeing of our societies has been at the forefront of everyone's minds during the last 2 years, and the significant role SRS has played in reducing the transmission of the virus has been well documented and recognised. Officers have been deployed to roles in the Test Trace Protect regime and enforcement teams while their colleagues picked up the additional demands placed on them due to the reduction in resource to deal with 'business as usual'. This has required the highest level of commitment and flexibility from all officers during this time, to meet the unprecedented demands placed on them, at a stressful time both professionally and personally and SRS Officers should be celebrated for their achievements.

Covid-19 – Changing the way we work and deliver services - When the UK was put into lockdown on 23rd March 2020, the government put into place a limited number of reasons for people to be allowed to leave their homes. For SRS and many council services, this meant that offices were closed and employees had no choice but to work from home. As a service committed to mobile/remote working, SRS was in a better position than many, with the majority of employees already equipped to work remotely or from home. There were however teams such as Business Support and Licensing who traditionally kept a presence in the office with no facilities to work remotely, together with other services who maintained an office presence to cover 'on call' rotas and deal with complaints received. Both scenarios presented challenges for the service, particularly in the early stages of the pandemic, but SRS successfully adapted to new ways of working. The following provides a flavour of the types of changes that were put in place and continue to be utilised.

- All staff were provided with the equipment needed to work from home such as laptops and mobile phones.
- Business Support and Licensing teams moved to working from home keeping a minimal presence in the office .
- Where attendance is required at the office for cover, this is done on a strict rota basis to minimise the numbers in the office.
- Committee meetings, internal and external meetings moved online via MS Teams. This method of communication is also used to keep in contact with colleagues.

- During the suspension of visits to premises, virtual inspections were undertaken where appropriate.
- The printing of correspondence was moved online, enabling letters to be emailed to a hybrid mail provider who would print and send correspondence, removing the need for employees to attend the office.
- Taxi driver and vehicle applications and licence payments were moved online. This has had several benefits for applicants as they are no longer restricted to applying for a licence during office hours and can now apply at any time of the day. They also no longer need to travel, park and wait in queues to be served.
- Hackney Carriage and Private Hire vehicle licences were extended for 6mths in line with government safety guidelines to support the taxi trade during the early part of the pandemic.
- The Noise app introduced prior to the pandemic, has been a really effective tool in dealing with noise complaints, negating the need for officers to monitor noise nuisance themselves.
- In order to support food businesses that changed their operations to take-away during the pandemic, SRS Officers provided telephone support and advice.
- Service requests made about activities that SRS regulate were triaged to ensure that those requiring urgent attention were prioritised.

Customer Satisfaction – SRS delivers a diverse range of regulatory services on behalf of Bridgend, Cardiff and the Vale of Glamorgan Councils and we place great importance on receiving customer feedback which enables us to understand what we are doing well and what can be improved. As well as monitoring customer satisfaction through surveys, the results of which can be found throughout this plan, we also receive specific feedback from individuals or groups that we have helped expressing their gratitude for our intervention. During the last year, we received a number of such compliments, a selection of which can be found below-

"… I recently had need for the support of your team in dealing with an absolute nightmare of neighbours... After 18 years of living with 'neighbours from hell'… I finally had EXCELLENT support from members of your team… I cannot thank your team enough… After 18 years, and constant emails, letters and phone calls… I finally believe that at long last I am getting somewhere. It's all down to the professionalism and support provided by your team. I cannot thank you all enough. Many many thanks". Noise Pollution complainant..

".I am writing to say thank you for your hard work dealing with our " Burger Van " problem. The van has closed since you posted your notice and has made life a bit more normal for everyone in the street. I am in admiration of your perseverance and diligence plus your stamina in dealing with this problem as I know it gave you stress and anxiety !. If you ever go into politics you have my vote !! …So once again thanks from me and the residents for you hard work…PS .please pass this email to your boss. It may get you a pay deserved rise !". Noise Pollution complainant

"Thank you for the update on the Public Protection Committee report. I look forward to seeing how they respond to the public consultation. I am copying this email to your Chief Executive as I judge that you should receive commendation for the very efficient and sensitive manner in which you handled this matter of public concern. I appraise… how time consuming such work can be, particularly during the challenge of the pandemic". Street Trading complainant.

"Just a quick note to you all at your covid team to say just a massive thank you to you for your support and dedication this year. It's been a rough tough year due to covid restrictions but we all got through it. Your support loyalty means so much…" Business who was assisted to meet covid restrictions.

Review of HMO Licensing fee structure – A thorough review of the licensee fee structure for Houses in Multiple Occupation was implemented in Cardiff during the year. The new fees better reflect the significant administrative costs and in particular the officer costs incurred in enforcing the scheme and raising standards. The additional income projected from this, together the empty homes funding, derived from a Council Tax premium in Cardiff has allowed the team to strengthen by recruiting at administrative, technical and managerial levels.

Public and stakeholders are able to access our services

Access to SRS services –The ease with which the public and stakeholders are able to access SRS services has been particularly important in 2021/22 as in 2020/21 as buildings were less accessible and many staff worked from home.

The following examples show how SRS ensures access to services.

- **SRS website –** The improvement of the SRS website is an ongoing process which sees web pages being added or updated to provide valuable up to date information for SRS customers. This has been particularly true during the last 2 years where we have provided regular guidance for businesses on how to comply with the Coronavirus Regulations and operate safely while highlighting the notices issued to businesses under the regulations. During the last year, the website had 64,914 users and 177,919 page views. Our Noise and Air Pollution web pages consistently receive the most page views.

- **Equalities –** Following the inclusion of equalities information in our customer satisfaction surveys, we are now able to carry out equality monitoring of our customers in order to identify any issues or concerns and more specifically access to ours services. During 2021/22, despite the response rate being very poor, 100% of responses to our customer satisfaction survey said they were able to access the services and facilities they needed from SRS.
- **Twitter account –** Since launching our own Twitter account @SRS_Wales in 2017, the SRS continues to increase the number of followers which stood at 643 on 1 April 2022. This means of communicating with our customers enables the service to be promoted whilst conveying key messages to residents and businesses alike and shared with the legacy authorities.

- **Noise app –** This app can be downloaded by customers making a complaint about noise enabling them to record short bursts of the disturbance and submit to the service to determine if a nuisance has occurred. This app has come into its own during the last 2 years during a time when noise nuisance complaints increased as more people stayed at home, enabling complaints to be triaged, and reducing the need for officers to visit homes to monitor disturbances.

Income generation underpins sustainable service delivery

UKAS Accredited Metrology Laboratory - The Metrology laboratory based in Cardiff undergoes an annual audit by the United Kingdom Accreditation Service (UKAS) to maintain its accreditation. The metrology laboratory was first established in 1995, but since the creation of SRS there has been a drive to enhance the income generating capacity of the laboratory. Calibration work has been undertaken for a significant number of businesses, the majority of whom are regular and returning customers. These businesses represent a broad range of sectors including avionics, food, pharmaceutical and medical where accuracy and confidence in their weighing equipment is fundamental to their operations. The aim for this this year will be to continue with the UKAS Accreditation following the scheduled audit in August 2022 and supporting local businesses to meet their needs as they emerge from the pandemic.

£63,000+

Income generated

Income generation – A key priority for SRS, is the adoption of a more commercial approach by developing 'paid for' services and marketing them to business. These commercial activities are aimed at complementing existing services whilst also providing income generation. We do this by developing Primary Authority partnerships with businesses of which we currently have 28 in place. Furthermore, the Service provides accredited training in areas such as food safety, Health and Safety and allergens and officers within the Industry Team have recommenced delivery of these course through a mixture of online and where possibly face to face. As we emerge from the pandemic it is hoped that the range and frequency of courses provided will increase.. Income is also generated via our Metrology Lab services and Air Quality Monitoring Services/Local Site Operator Licences. During 2021/22 the income generated was £63,407.22

Staff are effective in their roles

Investing in Staff Learning and Development – SRS is committed to developing staff to ensure they are effective in their roles. Learning and development can take many forms from traditional study to the taking up of secondments. During the last year, the service has invested in a number of learning and development activities to support the business including the following examples:-

- SRS regularly offers opportunities to employees who are interested in developing themselves by offering to match fund suitable applications for external study. This has resulted in a number of employees pursuing academic qualifications such as M.Sc. qualifications in Environmental Health and Public Service Management, several of whom have now successfully completed their studies and are able to apply their learning in the workplace.
- Secondments provide development opportunities for both the employee who is seconded and the employee who fills the empty position and during the last year the number of secondments within the service increased significantly. Within SRS we now have four team managers seconded to different stakeholders which has enabled their roles to be filled on a temporary basis by existing employees. Furthermore recent changes to the senior management team have provided an Operational Manager secondment opportunity. The creation of our JET teams enforcing Coronavirus Regulations also provided opportunities for 3 employees to be seconded to Team Manager roles. And finally, two of our officers have been seconded to TTP to take on a co-ordinating role across the wider public health network. The ability to 'act up' provides valuable development opportunities and experience for officers, whilst also contributing to the effective management of the service.
- Training in food standards work continued amongst our food safety officers to enable them to undertake food standards interventions at the same time as a food safety inspection of low risk food standards. This training and the concept of generic working not only provides team members with learning and career

development opportunities but benefits the service by building a more cohesive and resilient approach to inspections.

- The demands on SRS brought upon us by the Covid-19 pandemic required SRS employees to respond by agreeing to be redeployed to other roles. Our commitment to the Track, Trace, Protect Scheme saw 30+ officers be redeployed to act as clinical leads and contact tracers over the last year at various times with 2 officers acting as managers, extending their work experience and personal development.

Emerging issues

Recruitment and retention – Recruiting to vacancies continues to be challenging and SRS has struggled to recruit suitable individuals into certain areas of the service. The shortage of applicants with the right skills, abilities and experience in the different professions has created a more competitive market. These shortages, attributable to an aging professional demographic, increasing turnover as people secure positions elsewhere, and lack of a recognised regulatory apprenticeship, have to be addressed if we are to deliver effective regulatory services. Across Wales, the Directors of Public Protection Wales has identified immediate issues of capacity and resilience along with challenges for the future as the demands and expectations on regulatory services continue to grow. The *Building for the Future* report details the key issues confronting local government regulatory services; the challenges faced in terms of workforce pressures, the need for better coordination and oversight. It presents a case to Welsh Government for increased investment over the medium term, in terms of budget, funded public protection workforce development programmes and the introduction of a Regulatory Compliance Officer type apprenticeship in Wales. SRS fully supports these recommendations, however we also recognise that it will take some time for the effects of such proposals to come into fruition. Given the pressures the service currently faces, it will be essential for SRS to consider other short to long terms solutions that make working for SRS an attractive proposition.

ICT Interface with Legacy Authorities – Since the inception of SRS, officers have been provided with access to the systems of the 3 legacy authorities of Bridgend, Cardiff and the Vale of Glamorgan. This enables officers to access the essential IT systems they need to fulfil their duties for the relevant authorities. While this has worked well, more recent updates to systems and software have impacted on the continuity of current arrangements affecting connectivity and access. SRS maintains good relationships with the ICT departments of the legacy authorities to deal with issues as they arise in the short term, however it has become evident that there is a need to consolidate the long term access requirements of SRS to ensure continued access and smooth running of systems in order to provide seamless delivery of essential services.

Review of ICT and mobile working solutions – An essential component of the operating model for SRS was the introduction of technical and mobile working solutions that enable employees to work remotely. This has contributed to the success of the service, but as agile working becomes the norm for many within the service, we are finding that the technology deployed is becoming outdated. The Covid-19 outbreak reinforced this as many more staff transitioned to working from home. It is clear that as technology improves, better facilities now exist which could further enhance the work of SRS and its remote working capabilities as we move forward. SRS will continue working with staff and ICT to explore options for improving equipment and systems to ensure that we deliver services both efficiently and effectively

Customer engagement – Customer engagement is key to understanding the needs and expectations of our customers. It helps us know what we are doing well and what we could do better and informs policy development and procedural changes within the service. Within SRS we engage with customers in a number of ways via public consultations, customer satisfaction surveys, citizens panels and the monitoring of complaints and compliments. While response levels via these various mechanisms has traditionally been low, the last year has seen a huge reduction, particularly via customer satisfaction surveys which is of concern. It is likely that this reduction is as a result of moving surveys online, as opposed to the sending out of hard copy questionnaires which whilst more cost effective for the service, requires a level of effort by customers to navigate their way to the relevant questionnaire. SRS recognises the need to improve customer engagement in this area during the coming year to maximise the important feedback we receive and will take steps to address this.

Backlog of programmed inspections - Government restrictions on social distancing, non-essential travel and the closure of certain businesses to reduce the spread of Covid-19, resulted in routine inspections being suspended several times during the last two years which inevitably created a backlog across a number of SRS services. Furthermore, the deployment of staff to Test, Trace, Protect, covid enforcement teams and other covid related activities has impacted on the resource available within teams to carry out “business as usual” activities creating a significant backlog of inspections, that is further exacerbated by recruitment and retention issues evident in some areas of the service.

Hybrid working – The changes to working practices brought about as a result of the covid pandemic saw organisations adapt to facilitating employees working from home. Whilst the majority of SRS staff were already accustomed to these arrangements due to our agile/remote working culture, others quickly adjusted. As restrictions have relaxed, there is now a greater call for employees to return to the office and organisations are considering how best to facilitate this whilst meeting the needs of employees in relation

to greater work/life balance. Hybrid working is a relatively new concept that is being seen by many as a way of preserving pre-pandemic office work cultures and office space investments while meeting employee expectations for greater flexibility, striking a balance between employee and employer preferences. Local government is no different and recent developments suggest that partner authorities are considering the implementation of such arrangements with a view to reducing accommodation footprints. SRS occupies office space in Bridgend, Cardiff and the Vale of Glamorgan and it will be necessary to work with these authorities to adjust to new arrangements while ensuring adequate office space is maintained and fit for purpose.

Public health and adapting to world events –SRS played a vital role in ensuring public health and public safety through the way in which we responded to the Covid-19 crisis and demonstrated how SRS is central to the public health agenda. It highlighted how, as a service our ability to adapt quickly and respond to emerging world events is key to delivering public health and safety, and how important it is to be able to respond in the same way going forward as issues emerge. Indeed, as we now come out from the pandemic, we are already playing our part in supporting Ukrainian refugees through the undertaking of checks on Homes for Ukraine, and tackling new covid variants. These rising demand pressures, together with ongoing pandemic management support will require effective prioritisation to ensure that the capability of the service is effectively deployed and managed.

What we plan to do next

** - Cardiff Corporate Plan *** Vale Service Plan

Maximising the use of resources	Lead Responsibility
SRS operates effectively and efficiently across all 3 areas	
Maximise mobile working opportunities by reviewing ICT and mobile working needs across the service including evaluating options for virtual communication between staff and other stakeholders to ensure service continuity with particular emphasis on:- *** - Consolidating the ICT interface between the legacy authorities to ensure continued access and smooth running of systems. - The introduction of portable devices to enable use of electronic inspection forms. - Exploring opportunities to use tools such as 'Yammer' to improve communications, sharing of ideas and innovation.	H Picton
Promote the Intelligence Operating Model across SRS with a view to rolling out to other areas of the service, where appropriate	H Picton
Further develop a recruitment strategy together with retention initiatives to address professional skill gaps within the Shared Regulatory Service.***	H Picton
Explore the feasibility of establishing a digital forensics function within the service, that can improve the effectiveness of seizing and analysing digital media to assist investigations, and further reduce spending on outside forensic services.	J Bale
Meet the recommendations outlined in the Welsh Audit Office report 'Delivering for less'.	H Picton
Engage with partner authorities on accommodation requirements as a result of hybrid working arrangements.	C Hill
Undertake a review of HMO licensing administrative processes in Cardiff to speed up response times.	W Lane
Public and stakeholders are able to access our services	
Improve engagement and consultation with stakeholders including service users and residents and review the effectiveness of current mechanisms used to access Shared Regulatory Services. ***	All OMs
Staff are effective in their roles	
Complete the PDR process with all SRS employees.	All OMs /TMs
Review Workforce Development Plan.	H Picton
Conduct a staff survey of SRS employees .	H Picton
Promote and encourage staff involvement in directorate and corporate staff engagement and well-being initiatives and proactively support staff development in line with the new ways of working. ***	All OMs
Income generation underpins sustainable service delivery	
Review all available options for cost recovery and income generation.	J Bale

What we will measure during 2022/23

Performance Measures 2022/23	Target
Average days sickness per FTE.	8.00
% of Staff Performance Development Reviews completed.	100%
% of staff who feel they are able to achieve the right balance between work and home life.	100%
% of staff working in SRS who are satisfied with their job in SRS.	100%
% of customers and Council members satisfied with their ability to access the facilities and services they need from SRS.	90%

Appendix 1 – Risk Register

Possible Impact or Magnitude of Risk					
	Catastrophic	4 *MEDIUM*	8 MEDIUM/HIGH	12 HIGH	16 VERY HIGH
	High	3 *MEDIUM/LOW*	6 *MEDIUM*	9 MEDIUM/HIGH	12 HIGH
	Medium	2 LOW	4 *MEDIUM*	6 *MEDIUM*	8 MEDIUM/HIGH
	Low	1 VERY LOW	2 LOW	3 *MEDIUM/LOW*	4 *MEDIUM*
Low 1-2 Low/Medium 3 Medium 4-6 Medium/High 8-10 High 12-16		Very Unlikely	Possible	Probable	Almost Certain
		Likelihood/Probability of Risk Occurring			

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
RR1: Insufficient resources, and capacity to deliver planned services will result in loss of service provision and reduction in performance.	4	3	High 12	The Covid 19 pandemic has placed substantial demands on the service in terms of Test, Trace Protect and the enforcement of the Coronavirus Regulations which has seen staff seconded to roles within these functions. This coupled with recruitment and retention issues has significantly impacted performance, The cost of living crisis is also certain to impact SRS in terms of regulatory	4	3	High

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
				activity and on the wellbeing of staff. To mitigate this, the Service is examining new ways of prioritising services and using risk based approaches to activities in line with reduced resources, and through the recruitment of temporary staff and graduates. The service however has yet to fully return to "business as usual" and a backlog of normal planned work remains that requires significant resource to complete.			
RR2: Inability to recruit professional officers to vacant posts.	4	3	High 12	Recruiting to vacancies, particularly to those roles that require professionally qualified officers continues to be challenging, particularly as we are seeing a number of our officers leaving the service to secure positions elsewhere. The shortage of applicants with the right skills, abilities and experience in the different professions has created a more competitive market and is attributable to an aging professional demographic, increasing turnover and a reduced investment in sponsorship of students by Councils, The traditional supply of professional officers from universities has greatly reduced, and it now takes longer to qualify which has resulted in a shortage of applicants for vacancies within the service. The service has recruited a number of students and apprentices to support the work of the service which has been beneficial as a number of students appointed to deal with the covid work have now joined the service on a permanent basis. While this has enabled some gaps to be filled, training and	3	3	Medium/ High 9

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
				competency requirements mean that it will take some time for these officers to be fully competent to carry out the full range of duties, which will cause shortfalls, particularly in the Food Hygiene and Food Standards disciplines which does present issues for the service. This issue is not unique to SRS and the Directors of Public Protection Wales have produced a report on the issues of capacity together with a number of recommendations. While these proposals are welcomed, it will take some time for the effects to come into fruition. SRS SMT are therefore considering other short to long terms solutions to alleviate some of those pressures.			
RR3: The complexities of resource allocation may result in a lack of understanding and misalignment of resources.	3	3	Medium/ High 9	Dedicated accountant appointed for the Service. Governance arrangements in place to address lack of understanding. Review and standardisation of financial processes ongoing.	2	2	Medium 4
RR4: The lack of functioning ICT systems could hinder the ability to work as a single service unit and affect the Service's ability to work smarter and more efficiently.	3	3	Medium/ High 9	The service utilises a web based database that facilitates remote working and all staff have been issued with laptops and mobile devices which enables more agile working. The technology used, however, has become outdated and there is a need to improve our remote working capabilities and the IT interface between the SRS and the legacy authorities to deliver services efficiently and effectively. We are liaising with ICT on access requirements and on the sourcing of suitable devices, however current demands placed on ICT have resulted in delays in progressing some issues.	2	2	Medium 4

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
RR5: Failure to identify and resource staff learning and development needs to address changes in roles and immediate needs and long term goals of the service could result capability issues amongst staff which would affect the Service's ability to deliver services.	3	3	Medium/ High 9	SRS is committed to the resourcing of training to develop people to ensure competency and the corporate appraisal process *#it'saboutme* ensures performance reviews are undertaken annually and learning and development opportunities identified. Due to recruitment and retention pressures, however, we now face a skills gap akin to that in 2015/16. A match funding offer to staff for personal development has resulted in a number of officers being supported in further development studies.	1	3	Medium/ Low 3
RR6: Implementation of new legislation may create additional demands on service delivery.	4	3	High 12	Whilst workloads are reviewed and monitored and processes are in place to regularly report to partner authorities, it is not always easy to predict the impact that new legislation may have on resources. This has been particularly evident during the Covid-19 pandemic. SRS became responsible for enforcing the Coronavirus Regulations across the 3 areas which has required a change of focus and placed additional demands on the service. As restrictions have been relaxed, we have seen our commitment reduce, however the impact of the legislation has impacted our planned "business as usual" activities, and the service now has a significant backlog of work. The pressure continues with the new law on food allergens which is an example of increased demand in an area where SRS is struggling to recruit competent professionals.	4	3	High

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
RR7: An inability to recruit officers to the Duty Officer regime may result in inadequate cover and failure to deal with emergencies out of hours.	3	2	Medium 6	The Duty Officer regime operates on a 24/7 basis over 365 days a year providing a single point of contact out of office hours dealing with SRS emergencies. Cover is provided by officers on a voluntary basis however there have been periods where it has become difficult to recruit officers resulting in shortage of cover which has required managers to step in a short notice. Steps have recently been taken to address this lack of resilience following the recruitment of new officers to the service who have subsequently volunteered to work the rota. Therefore, whilst the risk has reduced, there will be a need to keep arrangements under review.	1	2	Low 2
RR8: The positioning of Shared Regulatory Services under a host authority, together with unique branding may result in the Service becoming divorced from its constituent Councils or marginalised.	2	2	Medium 4	The Service remains relevant to all 3 authorities through links into Corporate Plans of 3 authorities, attendance at the various Council/Executive meetings and maintaining strong links with members and senior officers within each legacy authority with opportunities to promote successes taken where possible. The Covid-19 pandemic has seen the critical involvement of SRS in the Test, Trace and Protect system and enforcement of Coronavirus regulations which has brought greater attention and recognition from the 3 authorities we serve.	1	2	Low 2

Appendix 2 – Action Plan

Improving health and wellbeing	Lead Responsibility
The food chain is safe and free from risks	
Develop and adopt the Food and Feed Law Enforcement Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge food safety duties. ***	C Hill
Deliver the FSA Recovery Plan and adopt processes to prioritise and tackle the backlog of new business and broadly compliant C rated inspections.	C Hill
Deliver a programme of inspections targeting retail butcher premises to establish compliance with food standards and weights and measures legislation.	C Hill
Develop and adopt the Port Health Plan 2022/23.	C Hill
Undertake necessary actions to enable Cardiff International Airport to meet the requirements of the World Health Organisation Assessment tool for core capacity requirements at designed airports, ports and ground crossings.	C Hill
Risks in the workplace are managed properly	
Develop and adopt the Section 18 Health and Safety Service Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge health and safety duties. ***	C Hill
Engage with smokers using, visiting or working at hospital sites to promote smoke free compliance in hospital grounds.	C Hill
Noise and air emissions are controlled	
Develop a Noise policy including service standards.	W Lane
Work with partner authorities to reinvigorate the Responsible Authority Meetings to ensure joined up working and balanced enforcement across regulatory activities.	W Lane
Review and explore options for future proofing the Out of Hours Noise Service.	W Lane
A safe trading environment is maintained	
Continue intelligence led operations to investigate and disrupt businesses selling non-compliant e-cigarette products.	C Hill

Conduct firework inspections of licensed premises to ensure those holding a licence sell fireworks that meet the relevant safety standards, have adequate policies in relation to age restricted sales and stored safety in retail premises.	C Hill

Licensed premises operate responsibly

Complete the programme of inspections, re-visits and enforcement action, where appropriate, to ensure retailers are complying with the Minimum Unit Pricing (MUP) controls for alcohol.	C Hill
Review site licensing conditions in place to manage caravan sites and holiday parks to ensure they are suitable and sufficient to protect the health and safety of the public.***	W Lane

The quality of private rented property is improved

Drive up standards in the private rented sector by: -Undertaking robust enforcement action to deal with rogue agents and landlords letting and managing properties. **	W Lane
Evaluate the consultation responses carried out in Cathays on the re-declaration of the Cathays Additional Licensing Scheme and submit a report to Cardiff Council's Cabinet.	W Lane
Conduct proactive, area based exercises to identify and target unlicensed Houses in Multiple Occupation in Cathays and Plasnewydd.	W Lane
Review the fire safety standard, known as the Quick Reference Guide in conjunction with the South Wales Enforcement Group and Fire and Rescue Service and seek adoption by Cardiff Council's Cabinet.	W Lane

Infectious disease is controlled and prevented

Secure approval and deliver the Communicable Disease Service Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge these duties.***	C Hill
Work in partnership to respond to the Covid-19 pandemic by leading on the Test, Trace, Protect service, supporting businesses and high risk care settings to operate safely and enforcing regulations and self isolation requirements. ** &***	C Hill
Prepare businesses and internal procedures in readiness for the implementation of the new special procedures licensing regime and through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures.	C Hill/J Bale

Safeguarding the vulnerable

	Lead Responsibility
Support the 3 partner Councils in fulfilling their safeguarding responsibilities. ** & ***	All OMs

Children are protected from harmful substances and products

Contribute to the safeguarding agenda by working with partners to safeguard the vulnerable to ensure that children are protected from harmful substances and products, older people are protected from rogue traders and scams and vulnerable people are not subject to exploitation, slavery and exploitation. ***	All OMs

Conduct intelligence led underage sales exercises in relation to the sale of tobacco, alcohol, nicotine inhaling products, knives and other age restricted products.	C Hill

Illegal money lending activities are prevented

Build on the 'Near Miss' Pilot Scheme and consider other Proceeds of Crime funded community opportunities.	J Bale
Support victims of illegal money lending to access debt advice, rebuild their finances and make a sustainable transition to legal credit and carry out enforcement to remove loan sharks from communities ***	J Bale

Vulnerable people are not subject to exploitation, slavery or trafficking

Continue a programme of training and awareness of Child Sexual Exploitation, slavery and trafficking to protect vulnerable residents.	W Lane

Taxi provision is safe and fair

Engage and respond to any further consultation from Welsh Government on their public transport consultation to introduce national standards for taxis.	W Lane
Undertake enforcement exercises to ensure compliance with the provisions of the Equalities Act and to ensure compliance with taxi regulations.	W Lane

Protecting the environment

	Lead Responsibility

The environment is protected from harmful emissions to land, air and water

Undertake local air quality assessments and review the data to ensure that national air quality objectives continue to be achieved.***	J Bale
Complete the public consultation and agree and implement the Action Plan for the Park Street, Bridgend AQMA.	J Bale
Contribute to good air quality in Cardiff by: • Updating the Clean Air Strategy and Action Plan and implementing further measures to improve air quality; • Reviewing real-time air quality data to assess and identify trends in pollution to assess further interventions that will further reduce air pollution;	J Bale

People will use energy efficient buildings and products

Work with landlords to return empty properties back into use helping to increase the availability of affordable housing for sale or rent in Bridgend and Cardiff.	W Lane
Review advice and support given to owners of long term empty homes and work with Welsh Government to establish the most effective enforcement route to deal with the worst long term, derelict empty homes and draw down funding to underwrite such action.	W Lane
Work with landlords and letting agents to raise the energy efficiency ratings of private rental properties in line with the requirements of the Domestic Minimum Energy Efficiency Standard (MEES) Regulations.	W Lane

Support the 3 partner Councils in fulfilling their climate change responsibilities through the delivery of regulatory activities that contribute to the reduction of carbon emissions. ***	All OMs

Animals are treated humanely

Promote a register for all breeders, home boarders etc. that have a licence.	J Bale
Carry out investigations into illegal dog breeding.	J Bale
Review the impact of the implementation of the Animal Welfare (Licensing of activities involving animals) (Wales) Regulations 2021.	J Bale
Engage with Welsh Government regarding the welfare of stud and imported dogs and wider animal welfare issues related to dog breeding and sales.	J Bale
Work with partners to make the case for practices allied to dog breeding to be brought within the licensing regime and subject to the necessary enforcement controls.	J Bale

Communities are protected from nuisance and are safer

Engage with students and residents during Freshers Week in Cardiff providing community advice on housing, environmental and social issues.	W Lane

Supporting the local economy

	Lead Responsibility

A fair trading environment is maintained

Conduct intelligence led operations to investigate and disrupt businesses selling illegal tobacco products and raise public awareness of how to report it.	C Hill
Incorporate regular surveillance and review of on line sales platforms into trading standards work due to the volume of goods being sold on line.	C Hill

Informed and confident consumers

Continue to promote the ‘Buy with Confidence’ (responsible trader) scheme across the region	J Bale

Improved business practices and operation

Extend training provision through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures.	J Bale/C Hill

Accessible services responsive to business needs

Consolidate the advice and support requirements for our current Primary Authority partners	H Picton
Develop online training for businesses on Food Safety and other regulatory areas.	H Picton
Extend the scope of the ‘Ask the regulator’ podcasts to encompass other regulatory activities undertaken by SRS.	J Bale

Maximising the use of resources	Lead Responsibility
SRS operates effectively and efficiently across all 3 areas	
Maximise mobile working opportunities by reviewing ICT and mobile working needs across the service including evaluating options for virtual communication between staff and other stakeholders to ensure service continuity with particular emphasis on:- *** - Consolidating the ICT interface between the legacy authorities to ensure continued access and smooth running of systems. - The introduction of portable devices to enable use of electronic inspection forms. - Exploring opportunities to use tools such as 'Yammer' to improve communications, sharing of ideas and innovation.	H Picton
Promote the Intelligence Operating Model across SRS with a view to rolling out to other areas of the service, where appropriate	H Picton
Further develop a recruitment strategy together with retention initiatives to address professional skill gaps within the Shared Regulatory Service.***	H Picton
Explore the feasibility of establishing a digital forensics function within the service, that can improve the effectiveness of seizing and analysing digital media to assist investigations, and further reduce spending on outside forensic services.	J Bale
Meet the recommendations outlined in the Welsh Audit Office report 'Delivering for less'.	H Picton
Engage with partner authorities on accommodation requirements as a result of hybrid working arrangements.	C Hill
Undertake a review of HMO licensing administrative processes in Cardiff to speed up response times.	W Lane
Public and stakeholders are able to access our services	
Improve engagement and consultation with stakeholders including service users and residents and review the effectiveness of current mechanisms used to access Shared Regulatory Services. ***	All OMs
Staff are effective in their roles	
Complete the PDR process with all SRS employees.	All OMs /TMs
Review Workforce Development Plan.	H Picton
Conduct a staff survey of SRS employees .	H Picton
Promote and encourage staff involvement in directorate and corporate staff engagement and well-being initiatives and proactively support staff development in line with the new ways of working. ***	All OMs
Income generation underpins sustainable service delivery	
Review all available options for cost recovery and income generation.	J Bale

SRS Unaudited Net Outturn Position 2021/22 **Appendix B**

	2021/22 Expenditure Budget £000's	2021/22 Income Budget £000's	2021/22 Net Budget £000's	Mar-22 Profiled Net Budget £000's	Mar-22 Actual Expenditure £000's	Mar-22 Actual Income £000's	Mar-22 Net Position £000's	Mar-22 Net Variance £000's
	A	B	C = A - B	D	E	F	G = E - F	H = D -G
Bridgend								
Core	1,347	(60)	**1,287**	**1,287**	1,263	(39)	**1,224**	63
Authority Specific								
Licensing	345	(407)	**(62)**	**(62)**	310	(252)	**58**	(120)
Empty Homes	38	0	**38**	**38**	37	0	**37**	1
Kenneling & Vets	47	0	**47**	**47**	25	0	**25**	22
	1,777	**(467)**	**1,310**	**1,310**	**1,635**	**(291)**	**1,344**	**(34)**
Cardiff								
Core	3,360	(183)	3,177	**3,177**	3,174	(143)	**3,031**	146
Authority Specific								
Cardiff Licencing	702	(850)	(148)	**(148)**	807	(774)	**33**	(181)
HMO Cathays	203	(55)	148	**148**	177	(37)	**140**	8
HMO Plasnewydd	275	(87)	188	**188**	255	(27)	**228**	(40)
Student Liaison	65	(17)	48	**48**	52	(35)	**17**	31
Night Time Noise	62	0	62	**62**	63	0	**63**	(1)
Cardiff Port Health	145	(126)	19	**19**	138	(126)	**12**	7
	4,812	**(1,318)**	**3,494**	**3,494**	**4,666**	**(1,142)**	**3,524**	**(30)**
Vale of Glamorgan								
Core	1,234	(11)	1,223	**1,223**	1,156	(19)	**1,137**	86
Authority Specific								
Vale Licensing	382	(290)	92	**92**	406	(264)	**142**	(50)
Burials (Vale)	1	0	1	**1**	5	0	**5**	(4)
Pest Control Service (Vale)	105	(40)	65	**65**	97	(40)	**57**	8
Vets & Kennelling Fees (Vale)	20	0	20	**20**	3	0	**3**	17
	1,742	**(341)**	**1,401**	**1,401**	**1,667**	**(323)**	**1,344**	**57**
Grand Total	**8,331**	**(2,126)**	**6,205**	**6,205**	**7,968**	**(1,756)**	**6,212**	**(7)**

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF EXECUTIVE

CORPORATE SELF-ASSESSMENT

1. Purpose of report

1.1 The purpose of this report is to provide an update on the Council's corporate self-assessment, as required by the Local Government and Elections (Wales) Act 2021, and seek endorsement from Cabinet for the self-assessment report attached as **Appendix 1**, to be submitted to Council for approval on 19 October 2022.

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** – 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 The Authority's self-assessment and improvement planning process contributes to the achievement of the corporate well-being objectives. As the Annual Wellbeing Assessment has been subsumed into the self-assessment, this report also fulfils the reporting requirements under the Well-being of Future Generations (Wales) Act 2015.

3. Background

3.1 The Corporate self-assessment process and findings have, in large part, already been considered by Cabinet through the Corporate Performance Assessment (CPA) processes in June and July, and changes to the draft self-assessment report have been made as a result of those discussions.

3.2 The self-assessment report sets out conclusions on how well the council met the 'performance requirements' during the financial year 2021-22, and actions needed to improve. The process has now been completed and the draft report is attached as **Appendix 1**.

4. Current situation / proposal

4.1 The process that was reported to the Governance and Audit Committee in June, and presented to CPA members in June and July, has now been completed. The findings and judgements have 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 have been merged into a single document. The report is attached as **Appendix 1**.

4.2 Welsh Government provided updates on already published reports and their evolving thinking about self-assessment reports at a meeting with the Council on 12 August 2022. WG asked that reports provide clarity on the real, high-level issues around performance in the Authority e.g. in Bridgend reference should be made to the inspection work currently underway around social services.

4.3 Welsh Government also reflected that the 'so what' factor will be very important, with the Council outlining improvement areas for future years.

4.4 Finally, Welsh Government added that there is minimal value in conducting formal consultation / engagement on the self-assessment report. The preference would be a summary of key engagement / consultation work over the year, relating to the wellbeing objectives. This feedback has been integrated into the draft report.

4.5 One self-assessment report has already been published – the report for Powys County Council. There are lots of strong points in the Powys report for us to learn from. Their section on the local government context in Wales is good. Their performance section covering each wellbeing objective is strong, it summarises all of their performance indicators and commitments simply, and includes a list of engagements and auditors judgements. This is reflected in the Authority's draft self-assessment report.

4.6 The draft self-assessment report will be presented to the Governance and Audit Committee on 13 October 2022 with any feedback from the Committee to be given verbally at the meeting of Cabinet on 18 October 2022. Following consideration by Cabinet, the report will be presented to Council on 19 October 2022 for approval. The report will then be translated and designed and published in late October.

5. Effect upon policy framework and procedure rules

5.1 There will be no effect on the policy framework and procedure rules.

6. Equalities 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.

6.2 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 implications

7.1 The 5 ways of working – long-term, integration, involvement, collaboration and prevention - form a key part of the key lines of enquiry for both the performance work and the use of resources workshops in July. The annual wellbeing assessment will be merged with the annual self-assessment for 2021-22.

8. Financial implications

8.1 There are no financial implications associated with these arrangements. The cost of translation, design and publication will be met from within existing budgets.

9. Recommendation

9.1 Cabinet is recommended to: -

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

M Shephard
CHIEF EXECUTIVE
October 2022

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Background documents
None.

Appendix 1: Bridgend County Borough Council – Corporate Self-Assessment

1. The purpose of this report

In January 2021, the Welsh Parliament passed a new law that changed the way councils work. Every year, we must publish a self-assessment report. This report covers 6 April 2021 to 5 April 2022. We want the report to assure Welsh Government that we are performing well. We also want it to tell them that we are using our money and other resources properly and making decisions in a sensible, open way. Most importantly, the report must tell local residents, businesses and all stakeholders how we are doing. Welsh Government and the Welsh Local Government Association have published guidance that tells us how we should develop our self-assessment and what evidence we should use to judge ourselves.

2. The changing world for local government

The world has changed a lot in the last 5 years, and this has had a big impact on the way councils work. Some of the main changes are –

- **The coronavirus pandemic** meant we have been asked to do different things, demands on services have changed and many of our staff have worked remotely.
- **UK leaving the EU** meant we have lost some of our funding and workforce. Prices and availability of some of the things we buy has changed, e.g. building materials for our new schools.
- **The war in Ukraine** has also has an impact on availability and prices of some of the things we buy, e.g. fuel prices for recycling vehicles.
- **The cost-of-living crisis** has meant we have been asked to do different things by Welsh Government and increased demand on some of our services.
- **Climate change** is causing extreme weather events like storms and heatwaves have put pressure on us to do more about flood prevention and water safety.
- **A long period of austerity** reducing the funding for the council at the same time as rising demand for services and inflation increases our costs.
- **Local government elections** have changed the councillors who make decisions on our priorities and services.

3. How is the council performing?

Every 5 years the council publishes a new Corporate Plan. This plan describes the council's priorities, why they are important and how progress will be measured. The priorities, or wellbeing objectives, show our commitments to our citizens and our contribution to Wales's seven well-being goals -

Well-being Goal	Priority 1: A successful sustainable economy	Priority 2: Helping people be more healthy & resilient	Priority 3: Smarter use of resources
A prosperous Wales	✓		✓
A resilient Wales			✓

Well-being Goal	Priority 1: A successful sustainable economy	Priority 2: Helping people be more healthy & resilient	Priority 3: Smarter use of resources
A healthier Wales	✓	✓	✓
A more equal Wales	✓	✓	✓
A Wales of cohesive communities	✓	✓	✓
Vibrant culture & thriving Welsh language	✓	✓	
A globally responsible Wales	✓		✓

The Act says we must meet the needs of the present without compromising the ability of future generations to meet their needs. Based on the sustainable development principle, our well-being objectives will deliver long-term positive outcomes. We review progress every year to make sure our actions are getting us closer to our goals. The last full corporate plan was published in 2017, (although it is refreshed and updated annually), with three priorities for the council -

When we developed this corporate plan, we thought hard about the type of organisation we wanted to be. Our vision is to act as **One Council** working together to improve lives.

We have a process for measuring how we are doing on these priorities. We use –

- performance indicators,
- evidence on delivery of our projects,
- feedback from residents, businesses, and partners, and
- the views of our regulators and auditors.

Each part of the council pulls this information together for their services. They present it to councillors who look at the data, check it and ask questions. This was done for the year

2021-22 in June and July 2022. We use this information to come to a judgement on each priority using this scale -

EXCELLENT	Very strong, sustained performance
GOOD	Strong features, minor aspects need improvement
ADEQUATE	Strengths outweigh weaknesses, but important aspects need improvement
UNSATISFACTORY	Important weaknesses outweigh strengths. Needs urgent improvement.

Priority One – Supporting a successful, sustainable economy

We want to build a place where people can have good jobs and careers and improve their family income. Prosperity boosts health and well-being and creates more resilient communities that need fewer services. Education is the most important part of improving the life chances of young people. Our main ways of achieving this objective are -

- **Improve learner outcomes** – Support children, adults and families to get better education outcomes;
- **Growth and prosperity** - Promote the conditions for growth and prosperity by helping people and business to succeed.

What is our judgement?

Supporting a successful, sustainable economy	**Good**

- **Learner outcomes** – exam result data is not available for 2021/22 due to the pandemic and Welsh Government guidance. Instead, we have provided information on our work to support schools dealing with effects of the pandemic.
- **School support** - We have supported schools to reduce the pandemic's impact on teaching and learning. Guidance and risk assessments for schools were updated each time national guidance changed. Schools have blended learning to support self-isolating pupils and for homework. We have worked with the education consortium to support two primary schools to be removed from the Estyn category of 'special measures'. Schools in Estyn review or monitoring categories has fallen from 12 to 1, with 4 schools getting 'enhanced' support.
- **Welsh Language Education –** We have completed the actions in our last Welsh in Education Strategic Plan (WESP). We have developed, and recently agreed with the Minister our new WESP plan 2022-32. The number of Year 1 learners in Welsh-medium primary schools has increased from 119 to 122. The total number of places was 162, so there is still a surplus of Year 1 places. We are enlarging Ysgol Y Ferch O'r Sgêr and the consultation on enlarging Ysgol Gymraeg Bro Ogwr is done. Welsh-medium childcare will be built at Bettws and Ogmore Valley.
- **Safeguarding -** the Education Engagement Team helped schools to audit their safeguarding. Many strengths were identified and some areas for improvement e.g. how effectively they communicate about safeguarding, how clear governing bodies are on their roles and responsibilities and increasing the voice of children, parents and carers. One school identified a lot of issues and has been supported to address them. Safeguarding audits will continue annually.

- **Attendance and exclusions–** During the pandemic attendance levels have worsened. In primary schools, attendance has reduced by 4.7% from 2018-2019 to 2021-2022 and by 7.6% in secondary schools. We have done lots of work to address attendance, including supporting schools on attendance, a task and finish group revising our attendance strategy, and attendance audits have been done to show good practise and areas for development. Behaviour is becoming more of a problem, so the number of permanent and fixed term exclusions is increasing. We are working with schools to make sure they follow the graduated response, use behaviour tools and access local authority support when they need it. The Communication and Relationships Team are speaking to schools to share ways to improve behaviour.
- **Regeneration -** We have made progress on the Town Centre Masterplan for Bridgend, including plans for redeveloping the Railway station. Our placemaking Strategy for Porthcawl has been approved. Work starts soon on the ALDI site and work to secure sea defences will soon be complete at Eastern Promenade. The relocation of Bridgend College to the town centre is progressing, and we are working with housing providers to invest in housing in the Town Centre. Maesteg Town Hall is progressing well. We are investing in town centres and working with partners to redevelop sites and buildings. The regeneration programme delivered over £600k of improvements grants for business premises after covid. There are more vacant properties in some town centres.
- **Business support -** We have provided business rates relief to 1028 businesses and £50 million business grants. We have received funding to deliver the Bridgend Elevate and Prosper Project (EAP) to support start-ups and micro-business. Our new, socially responsible 3 year procurement strategy and delivery plan aims to make our spending more accessible to local small businesses and the third sector. Business start-ups have increased by 14% to 550 in 2021-22.
- **Support for employment** - Employability Bridgend provides support to residents and council employees, including unemployed people, and those in work but struggling with low skills or in-work poverty. Even during the pandemic we reached job outcome targets, but we have not worked with as many people as we expected. The end of EU funding and strength of the job market may have an impact on work in the coming year. The number of people from the Employability Scheme who have gone into jobs has increased by 27% to 556 in 2021-22.
- **Tourism** – We have worked with partners to put on events to increase tourism in Porthcawl, including giving advice on the Porthcawl Triathlon, Porthcawl Truck Gathering, Forest Feastival and the Between the Trees festival and funding a road closure for the Porthcawl Elvis Festival. Cosy Corner will provide new community facilities following a £2.1m investment and will be complete in Spring 2023. More people are visiting Porthcawl - around pre-pandemic levels. Tourism expenditure data will tell us more at the end of the year.

Regulators assurances

Bridgend's School Service has performed well during 2021-22. Progress has been made in addressing the recommendations made by the Estyn report in March 2019.

- **Literacy -** All schools with a school improvement priority linked to literacy are on track to meet their target and getting the support they need

- **Post-16 learners –** as mentioned, it isn't possible to compare results with previous years. But schools tell us that many learners have done better than expected, haven't been disadvantaged and done well with university applications.
- **Improvement in schools causing concern** – new monitoring processes have been set up to help us find problems quickly and speed up improvement.
- **Welsh Education Strategic Forum -** The group now meets every term. We have new Sub-groups to make sure we're making good progress on objectives.

HM Inspectorate of Probation, did an inspection of youth offending services in Bridgend, published in June 2022. The rating of the service was 'Requires improvement'. The service used to be part of a Western Bay service that got an 'Inadequate' rating in 2018 and was disbanded. Since the 2018 inspection there has been real improvement. Staff have a passion for their work and are trying to deter children from crime. But they still face significant challenges, including lack of mental health support for children in Bridgend. The report made six recommendations.

Consultations and engagement activities

Consultation	Dates	Impact
Enlargement to Ysgol Gymraeg Bro Ogwr	7/2/22 – 21/3/22	Consultation responses are being considered in 2022-23 with the outcome of consultation report in June and a further report on the complete process in September.
Welsh in Education Strategic Plan	27/9/21 – 19/12/21	Following consultation, positive changes were made and our new, 10-year WESP has been approved.
Placemaking Porthcawl strategy	01/04/21 -08/03/22	Following consultation, amendments were made to the strategy, including additional public open space on Salt Lake. Cabinet approved the strategy in March 2022.
Economic development strategy	01/04/21 -08/03/22	Following engagement with stakeholders including local businesses, educational establishments, training providers and the public services board (PSB) the strategy was approved by Cabinet in March 2022.

What will we do to improve?

All improvements planned will be published later in the year. Some of the main improvements we will make for this priority are –

- Developing a permanent exclusion panel for the council to support all schools
- Activities to improve school attendance, including truancy patrols, a marketing campaign, a 'buddy system' and the Consortium's 'Callio' system.
- Significant, continuing support for schools to deal with the impact of COVID-19
- Addressing the budget pressures we are facing, including school transport
- Implement the new curriculum
- Address our staffing capacity issues in the education directorate
- Continuing improvement of the Bridgend Youth Justice Service
- Putting the new WESP 10 year plan in place from September 2022
- Reinvigorate Bridgend Business Forum to deliver business support events.
- Deliver a business support event in June 2022.
- Speed-up the business grant payment process through automation

Priority Two – Helping people and communities to be more healthy and resilient

We want to provide support to help individuals and families thrive. A focus on prevention and wellbeing helps us support people to lead independent lives and reduces the likelihood of them becoming dependent on council services. Our main ways of achieving this objective are -

- **Community support and services** – Provide support and services to those who need our help and help them to stay independent for as long as possible.
- **Resilient communities** – Develop innovative ways to improve well-being and deliver services.
- **Health and well-being** – Improve the physical, mental and emotional well-being of children and young people and vulnerable citizens.

What is our judgement?

Help people & communities be healthy & resilient	**Adequate**

- **Social services** - 2021/22 has been a difficult year for Social Services. We have experienced the same challenges as other councils – increasing demand for services, recovery from the pandemic, financial challenges and difficulties in recruiting and keeping staff. We are working with human resources to improve our workforce planning. In the short-term, our only option is to use interim and agency staff, but in the longer-term we are investing in recruiting internationally, 'growing our own' workforce and supporting and retaining existing staff. But there have been extra unique and tragic circumstances in Bridgend that have increased the challenges, scrutiny and recovery work needed. The death of Logan Mwangi is a tragedy. We must learn and improve from the lessons that come out of the Child Practice Review to be published in autumn 2022.
- **Children's services** - In early 2022, we declared a 'critical incident' in children's services. Caseloads were too high and some of our assurance systems weren't working well. Children and families were not getting the assessments or support they needed. The whole council focused on delivering improvements. Staff were moved from other parts of the council to help and we brought in extra staff. Our new 'care experienced children's team' is improving outcomes for children and families. The number of care experienced children in Bridgend has reduced and stability of placements has improved. We have invested in in-house care homes, including the development of Tir Mor, for over-18 care experienced young people. Our new, trauma informed support model is improving outcomes for young people. We have developed safeguarding and early help hubs. We are improving how we parent our children and support them to achieve the best outcomes.
- **Adult services** - We have struggled to meet people's care and support needs. The biggest difficulties have been in care and support at home services. This has a knock-on effect to the NHS when people need to be discharged from hospital. We have had high levels of staff absence and the independent sector is delivering less hours of care. We are working with the NHS to make improvements and work has been done to address our workforce problems. Our work on integrating health and social care is strong. Our community occupational therapy works well to keep people independent and has drastically reduced waiting times. Adult safeguarding is effective. Waiting times for

deprivation of liberty safeguards (DoLs) have been cut. Learning disability services are driven by the voice of people with support needs through a new, coproduced plan.

- **Early help –** we have a clear, joined-up way of delivering early-help. A screening team sits alongside the multi-agency safeguarding hub and three locality hubs, where education welfare officers, family support workers, family engagement officers, youth workers, wellbeing workers and school counsellors work together. Demand for these services has increased. Edge of care services intervene in families to avoid children coming into the care system and the youth justice service is improving. Youth support and early years and childcare services are good but demand is increasing and they have workforce challenges.
- **Additional Learning Needs reform –** We have finished the first stage of ALN Reform, and all statutory roles are in place. We are working with partners to make sure that the young person's ALN needs are metare met in a person-centred planning (PCP) way. We are now working on the next phase, where every young person with an ALN has their additional learning provision (ALP) identified in an individual development plan (IDP).
- **Leisure** - We have strong partnerships for leisure and culture with Halo and Awen. Following the pandemic, we have focused on rebuilding participation in leisure and cultural activities. Participation levels are steadily increasingly. The demand for free / low cost activities is increasing as the cost-of-living crisis deepens so we are working with Halo and Awen to develop more of these.
- **Housing -** The pandemic has changed our housing duties. Under Welsh Governments 'All In' approach, we have to provide accommodation all homeless people. People presenting as homeless and numbers of people on the register for social housing have increased. We have had to rely on hotels and AirBNB's to provide temporary accommodation as supply of suitable accommodation can't meet demand. We received 1656 applications from 2553 people for support, including many applicants with complex support needs. We supported 3,066 households through Housing Support Grant services, including floating support to households threatened with homelessness. We work with Welsh Government and other councils to improve our approach to homelessness and refugees. Time taken to deliver facilities in people's homes for disabled people has fallen slightly.
- **Community Safety –** We have dealt with1557 anti-social behaviour referrals and 88% were successfully addressed at stage 1. We have completed full needs assessments on 1767 Domestic Abuse referrals. We have opened a remote evidence suite to allow victims or witnesses to give evidence away from court. We have delivered a 'Snip it in the Bud' Campaign, supporting hairdressers and barbers to identify warning signs and signpost to domestic abuse services.
- **Recreation, green and open spaces -** The pandemic has highlighted the importance of open and green spaces for well-being. We work hard to protect and enhance our environment, including the designation of Bedford Park and Frog Pond Wood as nature reserves, plans to improve children's play facilities, (including increasing accessible play facilities) and improving the Cwm Taff nature network. We are also doing a review of our three major parks. The importance of community asset transfers (CAT's) is increasing and we have transferred 11 assets in 2021-22 (above target). External funding has been added to BCBC CAT funding to transform & invest into pavilions at Bryncethin, Cae Gof, Pencoed and Rest Bay, renovate Coychurch Play Area, and refurbish community centres at Brackla, Bryntirion and North Cornelly.

Regulators assurances

Care Inspectorate Wales (CIW) carried out an assurance check in 2021. During 2021/22 we have been progressing the actions identified in this report. For example, setting up groups to support workforce recruitment and retention, the provision of specialist behavioural support to the parents and carers of disabled children and reducing the waiting lists for occupational therapy assessments.

In May 2022 CIW inspected children's services. The inspection highlighted some strengths, for example our recognition of the importance of ensuring children's voices are heard, the development of our in-house residential services, positive relationships with partners and our new practice development plans. It also showed some areas needed significant improvement, for example issues with timeliness of documents, availability of in-house foster care placements, and the consistency of practice and timeliness of assessments. CIW have advised us that given the scale of improvement needed they have 'serious concerns' about Children's Services. We have developed an action plan to address the problems and will report our progress to CIW. They will be closely monitoring our performance.

Consultations and engagement activities

Consultation	Dates	Impact
BING carers network	Ongoing	We have worked with BAVO and other organisations to better understand and support carers, through a new carer friendly network group. This has resulted in a vast range of new activities, opportunities and support for carers from many different organisations working across the Borough.
Disabled Facilities Grant consultation with future delivery providers	Dec 2021 - Jan 2022	Feedback is helping us develop a contractor's framework for the new, in-house DFG model. This will help us deliver longer-term independence for people in their own homes, more quickly to a higher quality.
Coproduction – learning disabilities	Ongoing	Coproduction is an important part of our learning disability development plan. We recently commissioned a new supported living service in a coproduced way supported by a 3rd sector organisation.
Support at home	Ongoing	Questionnaires are used to assess the service people are receiving (both short- and long-term care). Issues that the people raise are dealt with individually. Information we get is also used to influence our models of service.
Consultation and engagement to develop our homelessness strategy	Oct - Dec 2021	We consulted partners and service users to help us make best use of our grants to support homeless people. Our understanding of their needs will inform the new strategy / action plan working with partners.
Day service	Ongoing	People First are leading a programme of consultation events to help us redesign our services and develop a new Learning Disability Service Development Plan.

What will we do to improve?

- Address our workforce issues in children's social work and the domiciliary care workforce, including developing options for employing staff who don't drive.
- Improve the consistency of social work practice in children's social care, which supports improved outcomes, allows families to stay together (wherever possible) and safeguards people form harm.
- Improve the quality and consistency of children's residential care services
- Improve the 'front door' of children's and adults services
- Improve the way we listen to and act on the voices of people
- Work on admission avoidance and discharge services with the NHS
- Address gaps in social care services e.g. on domiciliary care for adults, new extra care development and complete residential development priorities for children
- Provide enhanced support for adult carers and young carers
- Making further progress on ALN reform and addressing financial pressures in ALN education
- Continue the recovery programme of leisure and cultural services
- Develop a play action plan and take forward the play sufficiency assessment
- Enhance wellbeing and preventative support in all parts of the County
- Develop long term financial sustainability and targeted investment of non-recurring funding
- Improve the information for Councillors on service quality and performance
- Complete and act on the strategic review of major parks
- More investment in children's play areas
- Develop and consult on a new homelessness strategy
- Work with Welsh Government and other authorities on our approach to housing refugees (including Ukrainian refugees)
- Working with the joint partnership board to better understand the needs and views of prisoners in Parc Prison

Priority Three – Smarter use of resources

We want to make the best possible use of public money. We want to make smarter use of our resources while minimising reductions in services. Over the period 2018-19 to 2022-23, the council is expected to make budget reductions of over £20 million. As austerity continues, it becomes harder each year to make further cuts. Our main ways of achieving this objective are -

- **Transforming our estate** – Using our land and buildings to improve service delivery, reduce running costs, minimise our impact on the environment and meet the needs of service users.
- **Corporate change** - Embracing innovation and technology, developing the skills and approaches of staff and new ways of working.
- **Environmental sustainability** - Protecting and safeguarding the environment by lowering the council's carbon footprint, looking at waste reduction, re-use and recycling and promoting environmental responsibility in communities.

What is our judgement?

Smarter use of resources	**Good**

- **Budget reductions** - The budget for 2021-22 included proposals for £1.76 million cuts, but we didn't quite achieve that target. This is partly because the community recycling centre relocation to Pyle did not go ahead. Financial pressures are being felt in Social Services and Wellbeing, Homelessness, Waste and Home to School Transport. Social services benefits from significant short term grant investments. These investments are helpful but don't address the longer-term sustainability of social care.
- **Estate –** We are looking at how our buildings will be improved / remodelled through the Future Service Delivery Model. Digital transformation will help us find ways to remodel, reduced or use our office spaces in a smarter digitally enabled way. Our capital receipts were lower than target due to two delayed projects, which we expect to go ahead in 22-23. Most of our buildings now comply with health and safety requirements, but our target was not achieved.
- **School modernisation -** Proposals for Ysgol Y Ferch O'r Sgêr and Mynydd Cynffig Primary School are being implemented as well as a new English-medium school (to replace Afon Y Felin and Corneli Primary Schools). Consultation concluded on enlargement of Ysgol Gymraeg Bro Ogwr. Construction commenced on Welsh-medium childcare buildings at Bettws and Ogmore Valley.
- **Corporate change –** We developed a plan for future working with our staff and trade unions, improved staff wellbeing activities, and continued work on our 'grow your own' schemes to develop apprentices and graduates. Our Future Services Delivery project is well underway. We have some new regional frameworks where we procure goods and services jointly with other authorities, for example highways materials and plant hire. The new WiFi infrastructure project has been completed across all schools in Bridgend giving access to learners and staff, with support on using the Hwb platform to help learning.
- **Waste** – our recycling rates have increased again to 72.9% (target 68%). 76% of people rated waste service as very or fairly good. New community recycling centre works have been completed although the site is yet to open. A reuse shop has opened

at Maesteg Community Recycling Centre. We are now recycling 40% of Street litter. Public campaigns are ongoing around food waste recycling, reminders on what to place in recycling containers, AHP and garden waste. Anti-dog fouling messages, and messages regarding the departments enforcement policy have also been promoted.

- **Sustainability** –We have signed up the Welsh Government's net zero carbon plan for the public sector. We have been developing a new net zero plan – Bridgend 2030 – which will accelerate our reduction in emissions. We are the first council in Wales to use new Welsh Government Greenhouse Gas Reporting Protocol. We have successfully implemented the £1.3m Ref-fit programme on 19 school buildings. £3m of Active Travel routes have also been implemented in 2021. We have invested £1.3 million to install energy and cost saving technologies to reduce our energy consumption and CO2 emissions. We have set baseline for the gas and electricity consumption and CO2 emissions of our buildings. We have done a review of actions and spending on biodiversity.

Regulators assurances

In Audit Wales' Annual Audit Summary 2021, a summary of the council's financial sustainability was included. It said, 'During 2020-21, we examined the financial sustainability of each council in Wales. In Bridgend County Borough Council, we concluded in August 2021 that the Council has maintained a strong financial position during the pandemic and has strengthened its Medium Term Financial Strategy'.

In Audit Wales, Springing Forward, strategic asset management report (not yet publicly available), the key finding was, 'The Council made positive progress in delivering its previous asset management strategy and now needs to ensure that its strategic asset planning is fully shaped by the sustainable development. However, workforce challenges are impacting on its ability to plan more strategically and critically, to ensure its buildings meet statutory safety requirements'.

In Audit Wales, Springing Forward, Workforce planning report (not yet publicly available), the key finding was, 'The Council is taking action to respond to its significant workforce issues, but needs to develop a corporate workforce plan shaped by the sustainable development principle, to address these challenges and strengthen its resilience'.

Improvement plans will be developed to address the areas for improvement in both of these reports.

Consultations and engagement activities

Consultation	Dates	Impact
Annual budget consultation	20/9/21 – 14/11/21	A detailed report was prepared on the findings of the annual budget consultation which was taken to Cabinet December 2021 and has fed into corporate planning and financial planning for the year ahead.
Alterations to Mynydd Cynffig Primary School	23/11/21 - 12/1/22	Responses from parents, pupil, staff and governors were largely very positive. Other responses (allotments and ATC) have been considered separately. Cabinet approved proceeding with the proposal. Replacement school opening 2025.

Alterations to Ysgol Gymraeg Bro Ogwr	7/2/22 – 21/3/22	Consultation responses are being considered in 2022-23 with the outcome of consultation report in June and a further report on the complete process in September.
Staff survey	21/6/22 – 30/07/22	A detailed feedback report was prepared to demonstrate the findings of the survey and an internal action plan has been developed to act on areas for improvement.

What will we do to improve?

- Develop our budget, savings plan and Medium-Term Financial Strategy for the coming year.
- Develop an improvement plan for our areas for improvement in Audit Wales reports – around workforce planning and asset management
- Continuing to develop our Future Service Delivery approach
- Developing options for our waste service both in the medium term up to 2026 and longer term
- Conclude the statutory processes for the Ysgol Gymraeg Bro Ogwr and Heronsbridge School proposals. Develop options for delivery during future bands of the School Modernisation Programme.
- Develop a new biodiversity plan
- Open the new community recycling facility in Pyle and realise the savings this creates
- Improve the proportion of our buildings that meet required standards for health and safety
- Consult on and then implement our net zero carbon strategy and action plan, Bridgend 2030.

4. How is the council using its resources?

We have always had to report how we well we are using our resources. For example, we must tell Audit Wales about our spending, our workforce and our buildings. Until recently, we didn't have a common process for reviewing how we are managing all of our different resources. This year, to judge our use of resources and write this report, we developed a new process. We held workshops with staff from around the council to review –

- finances,
- procurement,
- corporate planning,
- performance management,
- risk management,
- workforce planning, and
- asset management.

To come to our judgements, we used –

- performance indicators e.g. staff vacancy levels and building maintenance,
- evidence on delivery of our projects and improvement plans,
- feedback from customers, staff and trade unions, and
- the views of our regulators e.g. Audit Wales report on workforce planning

We asked questions based on the wellbeing of future generations act, including –

- Do we focus on prevention, not just putting things right when they go wrong?
- Are we making strong long-term plans?
- Do we share ideas, plans and resources with partner organisations?
- Are we making links and doing things consistently across the council?
- Are we involving the community and customers in key plans and decisions?

Like the performance information, we presented our findings to councillors who scrutinised the information, checked it and asked questions. We used the same scale from excellent to unsatisfactory as the one used for performance judgements. This was done for the year 2021-22 in July 2022.

What are our judgements?

Use of resources	Adequate	Day-to-day management of our resources is good. There are clear and agreed working models and strong, working relationships between corporate teams and directorates. Use of resources overall is adequate. Although day-to-day management is good, our longer-term planning for using our resources is not as strong. The pandemic has had a big impact on our planned work. Some of the new working models aren't yet fully working. There are vacancies and staffing issues in corporate teams, and the managers who work alongside them. In some areas, we need to improve member engagement and challenge. We need to make sure we have modern, joined-up IT systems that help with decision-making. Some directorates are better than others in the way they engage and work with corporate teams.

Our overall judgement looks at use of resources of all types. We also have a specific judgement for each resource type, to help us with our improvement planning.

Finances	Good	Financial management is good. We successfully balance our budget every year and keep within budget during the year. Feedback from our regulators is positive. We have a healthy financial position, and respond quickly to new pressures, through effective management of budgets and reserves and member challenge. Schools and social services funding have been protected in recent years. As a result, the communities directorate budget is stretched.
Corporate planning	Good	Corporate planning is good. We have a clear process for developing the plan and senior managers and politicians are involved. The corporate plan is focused on the long-term. We consulted widely on the last corporate plan which is brief and accessible. A new one will be developed this year for sign-off in March 2023.
Risk management	Good	Risk management is good. Major improvements have been made to the way we identify and manage risks. We have a new Corporate Risk Management Policy and reports are simple and accessible. Issues raised in previous internal audits have all been addressed.
Procurement	Adequate	Commissioning and procurement is adequate. Procurement is good. Major improvements have been made to the way we procure goods, services and works. We have a new, Socially Responsible Procurement Strategy, delivery plan and Contract Procedure Rules. We need an improved and more consistent approach to commissioning across directorates.
Performance management	Adequate	Performance management is adequate. There are long-standing processes for managing how we perform against our Corporate Plan. The corporate performance team and people in directorates work well together. We have positive relationships with our regulators. But performance outside the corporate plan is not as well understood and not managed consistently. There are vacancies and staffing issues in the performance team. We need to develop better challenge of performance with stronger scrutiny and improved benchmarking with other councils.
Workforce planning	Adequate	Workforce planning is adequate. Workforce management is good but more capacity among managers and in the HR team is needed. We need to focus on strategic workforce planning to assess workforce needs in the longer-term including pay, terms and conditions.
Asset management	Adequate	Asset management is adequate. We have clear principles, a strong set of policies and procedures and good directorate engagement. But we need to address the workforce and financial challenges that prevent us from planning more strategically and resulting in a reactive approach.

What will we do to improve?

Full detail on improvements planned will be included in our improvement plan later in the year. Some of the main improvements we will make in our management of resources are –

- Set up a corporate commissioning group to develop a strong and consistent approach to commissioning across the council and share good practice
- Roll-out procurement training to improve stakeholders understanding of the new strategy, delivery plan and procurement rules
- Improve the way we manage performance that is not part of the corporate plan
- Improve the scrutiny of performance by councillors
- Consider new IT systems for performance management and asset management
- Develop strategic workforce planning across the council looking at long-term workforce needs with a broader consideration of pay, terms and conditions.
- Review our management structure, gaps and vacancies
- Establish a new corporate plan for 2023-2027
- Complete and publish a new asset management plan, focusing on sustainability
- Address the maintenance backlog and statutory building compliance performance.

5. How good is the council's governance?

Organisations that have good governance use clear decision-making processes and communicate openly about what they are doing. They work well with their stakeholders, manage the risks they face, and take responsibility for their assets.

We have always had to report on our governance, to Audit Wales. There is a clear process for developing an 'Annual Governance Statement' that has existed for many years. This year, to help us judge our governance and write this report, we have added more thinking about our consultation, engagement and involvement. We did this by holding a workshop with staff from all around the council –

To come to our judgements, we used –

- performance indicators e.g. on member meetings,
- evidence on delivery of our improvement plans,
- feedback from members, staff and trade unions, and
- the views of our regulators and auditors.

We asked each other lots of questions based on some of the important factors in the wellbeing of future generations act, including –

- Do we focus on prevention, not just putting things right when they go wrong?
- Are we making strong long-term plans?
- Are we using good governance for our partnership arrangements?
- Are we making links and doing things consistently across the council?
- Are we involving the community and our customers in key plans and decisions?

Like the performance and resources information, we presented our findings to councillors who scrutinised the information, checked it and asked questions. We used the same scale from excellent to unsatisfactory as the one used for performance and resources judgements. This was done for the year 2021-22 in September 2022.

What is our judgement?

Governance	**Good**

Organisations that have good governance use clear decision-making processes and communicate openly about what they are doing. They work well with their stakeholders, manage the risks they face, and take responsibility for their assets.

Decision making

Our governance arrangements are good, and have worked well, including during the pandemic. Our Governance Framework, Code of Corporate Governance and Constitution explain how we work, how we are accountable and how decisions are made. Through these documents (along with the Member's Code of Conduct, Standards Committee and role of Internal Audit) the Council operates with integrity, ethical values and within its legal powers.

Our governance arrangements are reviewed each year to update the Annual Governance Statement (AGS). It is considered and approved by the Governance and Audit Committee.

Major issues were identified in the Council's 2020-21 AGS, so in the past year we have made improvements including –

- Claiming money from Welsh Government via the hardship fund to make sure our finances are sustainable
- Doing a review of our financial procedure rules and the code of corporate governance and improving them, and
- Running training for staff to help protect the council from the increasing risk of cyber fraud.

We have made additional changes to our governance as a result of the pandemic, the local elections and changes to legislation including the new Local Government Act –

- Making major changes to the Governance and Audit Committee, including updating their terms of reference and recruiting four new lay members to the Committee with one of these lay members now chairing the Committee.
- Developing a Future Service Delivery Model which shows plans for hybrid working that supports the Council's 2030 agenda and our goal of becoming a Digital Council by 2023. This was presented to Cabinet in September 2021.
- Developing a new relationship with members, including running a significant training programme for new members that includes information on use of performance, resources, governance and an introduction to self-assessment.
- Holding Council, Cabinet and Committee meetings virtually, recording and saving them on the Council's website for the public to access, to make decision making more transparent.
- Making preparations to support the governance arrangements for the South East Wales Corporate Joint Committee (CJC).

Consultation, engagement and involvement

Consultation with our local residents and businesses is good. The corporate consultation team have a programme of future consultations and support directorates to consult in a timely and effective way. We have a range of consultation channels, mechanisms and groups, but these could be broadened. Engagement and involvement is adequate. Engagement activities take place in directorates, some using industry best practice. But engagement is patchy and the corporate team is not always involved or informed. Engagement is usually reactive rather than proactive. The pandemic has had a big impact on our capacity and ability to engage. There is not yet much activity focused on trust or relationship building between the community and BCBC and we need to develop a new engagement platform.

We have positive and constructive social partnership arrangements. We work with recognised Trade Unions (TU's), with clear and regular arrangements for consultation and engagement. Local and regional TU representatives meet HR officers monthly. Other officers are brought in as needed, for example the Chief Executive on future service delivery and the Section 151 Officer on the budget. Two Cabinet members attend bi-monthly so TU representatives can talk to them directly. There are separate meetings for schools. TU representatives play an important role in decision making and organisational change. They contribute different ideas and perspectives and support their members at

meetings which focus on the workforce impacts of any changes. All HR policy reviews are done with full consultation with TU's.

As well as regular staff and trade union engagement, we run an annual staff survey. The last one, in summer 2021 had over 1000 responses. The survey contained 51 questions, many of which repeated previous surveys so we can see how we are doing over time. Overall satisfaction with BCBC as an employer is increasing, from 59% in 2018, 66% in 2020 and 73% in 2021. A detailed feedback report was developed, and an internal action plan is in place to act on issues from the staff survey.

Engagement with regulators is strong and systematic. Regular meetings take place between regulators and senior officers in the Council to discuss regulators' work and the council's improvement plans.

What will we do to improve?

Full detail on improvements planned will be included in our improvement plan later in the year. Some of the main improvements we will make in our governance are -

- Improvement work on the Council Chamber and Committee rooms, so hybrid meetings can be held.
- A new constitution and easy read guide will be presented to Council later this year, to make us more consistent with other councils across Wales.
- Developing a programme of Cabinet training with the WLGA
- Acting on the findings in the 2021 staff survey and running a new staff survey in late 2022
- Develop a new engagement, involvement and consultation plan to support the new corporate plan
- Develop a new engagement platform
- Monitoring financial pressures happening as a result of the pandemic, exit from the European Union and the conflict in Ukraine, and
- Monitoring the challenges facing our services (including outsourced services) as a result of rising prices, supply chain issues and staffing issues

6. Our Strategic Equality Plan

In developing the equality objectives, we have talked to our residents, stakeholders and employees and used relevant information, including EHRC reports, Welsh Government reports and internal strategies. In addition to this we have:

- Developed a Strategic Equality Plan 2020-24 and associated action plan
- Reviewed our previous Strategic Equality Plan and action plan to see how we have done;
- Developed a consultation toolkit so we have a more consistent and effective way of engaging with our communities;
- Given further consideration to each of the nine protected characteristics covered by the three main aims of the general duty and the requirement to eliminate discrimination, harassment and other actions prohibited in the Equality Act 2010;
- Looked at regional approaches to meeting the needs of Gypsy and Traveller families and people who have experienced domestic abuse and hate crime.

How do we identify and collect relevant information?

We are committed to collecting and using data to identify where some protected characteristic groups experience a disproportionate impact or where we could deliver services in a different way. We collect data on customers and residents via our consultation and engagement activities and on our employees via our own internal systems. We will collect and use the following equality data:

- Employment profile data for all protected characteristics;
- Service user data so that we understand the characteristics of the people who use our services;
- Job applicants for all protected characteristics.

This data will be published annually as part of our Strategic Equality Plan annual reporting process. In addition we will publish annually:

- The Full Equality Impact Assessments undertaken;
- The Strategic Equality Plan action plan review;
- The Strategic Equality Plan annual report.

How effective are the council's arrangements for identifying and collecting relevant information?

Each year we try to improve the Equality Monitoring Data we hold for employees. We encourage employees to update information through communications / appraisals.

What do our arrangements tell us regarding the equality of access to employment, training and pay?

Every year, we report our 'equalities in the workforce' report to councillors. This tells us about our numbers of employees with protected characteristics. It also tells us about pay, recruitment and training of employees with protected characteristics. This is all put together and included in the strategic equality plan. Areas for improvement are included in the strategic equality plan action plan.

7. Review of our self-assessment process

We have assessed and reviewed our process as we have gone along. We think we started the process to late which meant planning and implementation were a rush.

We were not clear enough on the timescales and deadlines for providing information. The performance management part of the assessment demonstrated the lack of consistency in the way directorates manage performance outside the corporate plan. We found we didn't have the range of evidence we expected for all directorates. Engagement and regulator information are not generally collected or discussed as part of our regular performance management work.

The use of resources workshops were a one off, stand alone exercise, not really in keeping with the guidance. Consideration of use of resources should be better embedded in our business planning and performance management. Communication with participants on the use of resources workshops was last minute and not very detailed. People had minimal time to prepare their thoughts for the workshops. Although in person meetings took place for some of the workshops, others had to be done virtually due to a spike in Coronavirus cases. Those done in person were much more challenging and engaging.

Due to time restraints, there was not enough engagement, communication or discussion with members and officers around the council – in the process or in the final report. The process evolved as we were going through it. This shows we are positive, flexible and adaptable, but it also means members and senior officers weren't always sighted on the changing approach.

The structure and style of the corporate plan and wellbeing objectives (as well as the rush of our directorate self-assessments) made writing a brief and accessible report difficult. We did not consider in any detail how we would present our self-assessment until the very end of the process. We might have done things differently if we had considered this earlier.

What will we do to improve?

- Make clear and early decisions on our process, timelines and responsibilities for our 2022-23 assessment based on learning from year 1 and best practice
- Improve our business planning process to be more comprehensive and consistent. To include corporate plan and other areas of performance.
- Effectively communicate our quarterly performance management process, requirements and timelines to business managers and directorates
- Include management of the different types of resources in our 'business as usual' performance management process. Also include engagement and regulator evidence.
- Develop a clear hierarchy of reports and ensure that people understand it
- Develop a corporate plan structure and style that better lends itself to completing our self-assessment in future years
- Align our AGS and self-assessment process
- Engage a broader range of staff and members in the self-assessment process

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF EXECUTIVE

REVIEW OF CORPORATE PLAN TARGETS FOR 2022-23

1. Purpose of report

1.1 The purpose of this report is to seek Cabinet endorsement of the proposed changes to Corporate Plan targets for 2022-23 as outlined in **Appendix A** prior to submission to Council for approval on 19 October 2022.

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 The Corporate Plan was refreshed for 2022-23 in February 2022, endorsed by Cabinet and approved by Council in line with the normal statutory requirement to review the Corporate Plan annually.

3.2 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 is robust and effective.

4. Current situation/proposal

4.1 As part of the recovery planning process, each directorate had the opportunity to re-consider targets for 2022-23, based on verified year end data.

4.2 **Appendix A** sets out the proposed changes to the Corporate Plan targets, and if endorsed by Cabinet and approved by Council will be published as an addendum to the current Corporate Plan. The new or amended targets are highlighted for ease of reference.

4.3 As part of a wider review of performance and governance due to the Local Government and Elections (Wales) Act 2021, Council approved this approach to target setting in future planning cycles. This will 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 available data.

5. Effect upon policy framework and procedure rules

5.1 The Council's Corporate Plan forms part of the Policy Framework.

6. Equality Act 2010 implications

6.1 A full Equality Impact Assessment (EIA) was undertaken when the plan was developed in February 2022. Consideration was given to the potential impact on protected groups within the community and on how to avoid a disproportionate impact on people within these groups. Separate EIAs will be undertaken when proposals for carrying out the plan are developed and implemented.

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

7.1 The Well-being of Future Generations (Wales) Act 2015 provides a framework for embedding sustainable development principles within the activities of Council and has major implications for the long-term planning of finances and service provision. The 7 well-being goals identified in the Act have driven the Council's three well-being objectives.

8. Financial implications

8.1 There are no financial implications arising from this report. The Corporate Plan is closely aligned to the Medium Term Financial Strategy which sets out the resources for delivering the Council's Corporate Plan.

9. Recommendations

9.1 It is recommended that Cabinet endorses the revised Corporate Plan targets for 2022-2023 as set out in **Appendix A** and recommends it to Council for approval on 19 October 2022.

Mark Shephard
CHIEF EXECUTIVE
October 2022

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Background Documents: None

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APPENDIX A

Priority area: Improve learner outcomes

Success Indicators	Actual 2020-21	Target 2021-22	Actual 2021-22	Target 2022-23	New Target 2022-23
Percentage of all schools that have effective evaluation and improvement processes in place	N/A	100%	**100%**	100%	100%

Priority area: Growth and prosperity

Success Indicators	Actual 2020-21	Target 2021-22	Actual 2021-22	Target 2022-23	New Target 2022-23
The number of vacant premises in town centres: a) Bridgend	74	Bench marking	78	To be confirmed	Bench marking
b) Maesteg	16		19		
c) Porthcawl	21		17		
d) Pencoed	7		8		
The number of visitors to town centres- footfall for a) Bridgend	3,129,858m	Bench marking	4,537,984	To be confirmed	4,537,984
b) Porthcawl	1,960,919m		2,716,863		2,716,863
c) Maesteg	n/a	n/a	906,129	New	906,129
Financial value of externally funded town centre regeneration projects underway/in development.	£13.5m	£13m	**£14.2m**	£20m	£20m
Total annual expenditure by tourists.	£146.33m	Bench marking	Data Aug 2022	To be confirmed	£151m
Number of business start-ups.	540	Bench marking	550	To be confirmed	530
The number of participants in the Employability Bridgend programme going into employment.	401	329	**556**	To be confirmed	347

Priority Area: Developing and enhancing community support and services

Success Indicators	Actual 2020-21	Target 2021-22	Actual 2021-22	Target 2022-23	New Target 2022-23
Number of people aged 65+ referred to Community Resource Team.	1974	2200	**1,981**	>2200	>2200
Percentage of reablement packages completed that: a) Reduced the need for support	34.32%	33%	**16.50%**	>33%	>33%
b) Maintained the same level of support	5.05%	11%	**4.68%**	<11%	<11%
c) Mitigated the need for support	52%	48%	**70.94%**	>48%	>48%
d) Increased need for support	8.63%	8%	**7.88%**	<8%	<8%

Priority Area: Building resilient communities

Success Indicators	Actual 2020-21	Target 2021-22	Actual 2021-22	Target 2022-23	New Target 2022-23
Number of council owned assets transferred to the community for running.	13	10	**11**	20	20
Percentage of households threatened with homelessness successfully prevented from becoming homeless.	67.2%	60%	**30.5%**	60%	30%
Percentage of people presenting as homeless or potentially homeless, for whom the local authority has a final legal duty to secure suitable accommodation.	50.4%	30%	**19.2%**	30%	30%
Number of additional dwellings created as a result of bringing empty properties back into use.	2	7	Awaiting data	7	7
Percentage of private sector dwellings that had been vacant for more than 6 months at 1 April that were returned to occupation during the year through direct action by the local authority.	3.36%	6%	Awaiting data	6%	6%
Number of children and young people looked after.	390	371	**374**	<371	<371

Success Indicators	Actual 2020-21	Target 2021-22	Actual 2021-22	Target 2022-23	New Target 2022-23
Percentage of care leavers who have completed at least 3 consecutive months of employment, education or training in the 12 months since leaving care	42.86%	>31%	**64.52%**	>31%	>31%
Percentage of care leavers who have completed at least 3 consecutive months of employment, education or training in the 13-24 months since leaving care	42.47%	>37%	**54.55%**	>37%	>37%
Percentage of care leavers who experience homelessness during the year (as defined by the Housing (Wales) Act 2014) within 12 months of leaving care.	17.14%	<17%	**8.23%**	<17%	<17%

Priority Area: Better health and well-being

Success Indicators	Actual 2020-21	Target 2021-22	Actual 2021-22	Target 2022-23	New Target 2022-23
Percentage of completed Team Around the Family (TAF) support plans that close with a successful outcome.	69%	69%	**73%**	70%	70%
Percentage of individuals in managed care supported in the community.	75.34%	75%	**73.4%**	>75%	>75%
Percentage of individuals in managed care supported in a care home setting.	24.66%	25%	**26.6%**	<26%	<25%
Total library issues, including physical issues, digital issues and books on wheels service to people's homes	New for 2022-23	New for 2022-23	374,231	Establish Baseline	Establish Baseline
Total visits to leisure centres operated by Halo Leisure for all purposes.	New for 2022-23	New for 2022-23	801,177	Establish Baseline	Establish Baseline

Priority Area: Transforming the councils' estate

Success Indicators	Actual 2020-21	Target 2021-22	Actual 2021-22	Target 2022-23	New Target 2022-23
Realisation of capital receipts targets.	£3.09m	£3.745m	**£48,840**	£1.170m	£3.775m
Percentage of BCBC operational buildings achieve full statutory compliance.	62.7%	100%	**64.4%**	100%	100%

Priority Area: Areas of corporate change

Success Indicators	Actual 2020-21	Target 2021-22	Actual 2021-22	Target 2022-23	New Target 2022-23
Number of apprentices employed across the organisation	34	35	**40**	New	36
Percentage budget reductions achieved (Overall BCBC budget).	85.8%	100%	**96.3%**	100%	100%

Priority Area: Decarbonisation and environmental sustainability

Success Indicators	Actual 2020-21	Target 2021-22	Actual 2021-22	Target 2022-23	New Target 2022-23
Kilograms of residual waste generated per person.	131.45KG	123KG	**131.65**	WELSH COVID baseline	131.65kg
Percentage of waste reused, recycled or composted.	69.15%	68%	**72.97%**	70%	70%
Percentage of waste: reused	0.77%	1%	**1.24%**	1%	1%
recycled	48.43%	45%	**51.29%**	47%	47%
composted	19.94%	20%	**20.44%**	20%	20%
Percentage of street cleansing waste prepared for recycling.	postponed	30%	**40.7%**	30%	30%

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

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

1. Purpose of report

1.1 The purpose of the report is to seek 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.

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 The partnership with Awen was established in 2015 via the development of an independent charitable trust. Awen now manages the cultural services and facilities that had been operated in-house by Bridgend County Borough Council (BCBC). These services include libraries, cultural venues, B-Leaf and Wood-B, community centres and Bryngarw Park and House.

3.2 To support the governance of the partnership, a Board of Trustees was established by Awen including 8 independent community trustees, 1 staff trustee and up to 2 BCBC Elected Members. This has remained the case to date but with the success of the partnership and to better align strategic planning between organisations, it is an appropriate time to improve the effectiveness of arrangements and to ensure

that members and officers of the Council are more connected to the partnership arrangement with Awen.

4. Current situation/proposal

4.1 BCBC and Awen have explored whether the use of an advisory group mechanism would offer more value to both BCBC and Awen as this has proven effective in relation to the Healthy Living Partnership with GLL/Halo. The partners have concluded that an advisory group approach would support increased dialogue and transparency, engagement in strategic planning that is specific to Bridgend, review of progress and performance, identification and sharing of challenges and issues, together with opportunities for ongoing focus and development.

4.2 It was identified that following the 2022 local government elections, such an alternative approach to previous practice relating to governance of the Awen partnership could seamlessly be considered from June 2022, allowing for the necessary arrangements to then be put in place. Where Elected Members have occupied board roles within Awen, this has been in relation to the Awen Business Plan for 2015-19 as opposed to a Council specified requirement within the partnership agreement.

4.3 It should be considered that when occupying the roles as Awen board members, those individuals are committed to represent the interests of Awen as an independent organisation. As such, the board roles occupied by BCBC Elected Members are not there to manage the interests of the Council or to support issues such as specific contract requirements, concerns or aspirations. There are no specific obligations within the partnership agreement regarding these trustee positions although reports taken to Cabinet on 13th May 2015 for approval to establish a charitable trust and the final report taken to Cabinet on 1st September 2015 identify the two trustee roles.

4.4 Both BCBC and Awen have identified that the current arrangement has not routinely encouraged stakeholder engagement and does not foster the opportunity to influence service planning or review of progress by Cabinet Members or Corporate Directors directly. Under the current arrangements, this becomes the role of the client officer in relation to identified contract monitoring processes (which can include Cabinet Members), but there are opportunities for increased involvement by the Council beyond Corporate Performance Assessment (CPA) reporting, Welsh Public Library Standards reporting and contributing to a range of other corporate reports. The partnership agreement with Awen identifies the need for Cabinet involvement in the reporting and monitoring of the partnership which would be beneficial in working collectively to develop value for money and well-being outcomes.

4.5 The approach for client monitoring prior to the COVID-19 pandemic would have included quarterly service and performance review meetings as per contract and corporate reporting on a range of selected areas as part of the CPA process. There has been frequent engagement and dialogue during the pandemic on modified changes to services but as restrictions have eased, services are now steadily rebuilding and normal contract review can be re-established.

4.6 There is an opportunity to put in place a mechanism for broader consideration by BCBC of service planning, progress made or service challenges although a series of client reports on library standards, service changes or asset development plans have been historically provided.

4.7 The current arrangements do not support regular, formalised dialogue between Awen representatives and Cabinet/Scrutiny representatives and a more consistent channel for communication would benefit both parties. A mechanism such as the Advisory Board approach has been reviewed positively in relation to contract monitoring and management of risk within the Healthy Living Partnership. It has been recognised in previous audit reports that having such an approach has been able to ensure that Elected Members, including Cabinet and Scrutiny, along with Corporate Directors are engaged in the overview of such significant partnerships and related contracts.

4.8 Within Awen, this would create an opportunity to engage in a more structured manner with BCBC while expanding the range of skills and diversity of Awen's board to deliver on outcomes sought from its partnerships. This could see an increased focus on broader strategic opportunities with health and social care, education and cultural sectors and delivery of improved outcomes.

4.9 As Awen expands its reach into other locations it will become increasingly important that there is a mechanism to focus specifically on the partnership within Bridgend and its direction and performance. Within BCBC, such an approach would create a more regular and structured approach to reviewing strategic direction, progress and performance of the partnership and management of risks and opportunities as they emerge.

4.10 If the proposal is approved by Cabinet, there may be the need for the partnership agreement to be amended to include obligations on both parties in regard to the advisory board structure and approach whilst ensuring the integrity of the partnership agreement in terms of contract monitoring remains intact. This will include increased focus on the partnership and contract governance arrangements and to better engage in joint approaches to achieving outcomes. This may be applicable to service delivery aspects or asset development plans. (e.g. Maesteg Town Hall, Grand Pavilion, B-leaf.) The partnership agreement can stipulate a minimum and maximum number of representatives from BCBC while Awen will reserve the right to include broader stakeholders - an approach successful with the Healthy Living partnership where the Health Board, Sport Wales and Public Health Wales provide supporting insights. A draft Terms of Reference is included at **Appendix 1** for information that would be reviewed and formalised at the first Advisory Board meeting.

4.11 An Advisory Board mechanism has proven effective within the Healthy Living Partnership in regard to:

- Stakeholder understanding of progress and performance
- Collective understanding of challenges and opportunities
- Collective approach to using resources to impact on local, regional and national priorities

- Development of key strategic approaches, projects and capital developments
- Stronger governance and scrutiny arrangements within the partnership

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 conducted on the establishment of the partnership with Awen in 2015. The continued support by BCBC for the partnership with Awen will ensure that the original outcomes of the partnership can still be progressed and contribute to the BCBC Strategic Equalities plan. 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 within the Act have been considered in the preparation of this report:

• Long Term	The development of an Advisory Board supports a longer term view beyond annual incremental review processes
• Prevention	An Advisory Board based on cross sector approaches would allow focus on the impact that cultural services can have on the well-being of vulnerable groups
• Integration	The Advisory Board approach would bring a broader range of stakeholders together and support sharing of learning and insight to inform service design
• Collaboration	The development of an Advisory Board approach encourages a shared approach to service development and pooling of resource
• Involvement	By working together there is the potential to reach a broader range of local people and to support co-design and co-production

8. Financial implications

8.1 The Council provides an annual management fee to support the partnership with Awen and related services and activities. The proposed Advisory Board supports additional scrutiny of value for money but also support for Covid recovery of the partnership and contribution to delivery of corporate and shared priorities.

9. Recommendations

9.1 That Cabinet approves 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;

9.2 That Cabinet determines the representation on the Advisory Board if approved;

9.3 That Cabinet delegates 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.

Claire Marchant
CORPORATE DIRECTOR OF SOCIAL SERVICES AND WELLBEING
October 2022

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Background documents:

None

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Appendix 1

ADVISORY PARTNERSHIP BOARD – TERMS OF REFERENCE

Terms of reference	**Role** 1. To support the planning and provision of cultural partnership objectives, service plans and advising on need, demand and opportunities. 2. To provide expert advice and discussion on specific thematic areas (e.g. health, communities, regeneration, arts policy, library services, community wellbeing and resilience.) 3. To consider service changes, development and potential investments. 4. To maintain a partnership approach, share practice and create joined-up solutions. 5. To review performance, including monitoring of the annual service plans or key objectives (e.g. Welsh Public Library Standards.) 6. To collectively understand and advocate the role and contribution of culture in regard to wellbeing, place and economy. 7. To provide additional support and add value to the reporting and monitoring requirements of the partnership agreement.
Duties	1. To have due regard for the views of all board members. 2. To ensure understanding of shared and respective obligations, goals and expectations. 3. To be innovative and proactive. 4. To be equitable in all matters and considerations. 5. To work at all times within a spirit of partnership and co-operation. 6. To ensure communication is clear and effective.
Purpose	In the context of the Council's wellbeing goal to develop more healthy and resilient communities, to collectively focus on improving the Health and Wellbeing of Bridgend's communities whilst making best use of available resources. To support a strategic overview of the provision and benefits of high quality affordable cultural services in Bridgend and to strengthen partnership working.
Outcomes	The overriding outcome is well used ,high quality, value for money services with the aim of sustaining participation in cultural services and promoting associated opportunities to use culture as a vehicle to improve wellbeing and the economy.
Frequency	Quarterly
Duration	90 minutes
Venue	Awen Cultural Trust facility
Sponsor	Cabinet Member- Wellbeing of Future Generations

Chair	Chair or Chief Executive, Awen
Council Representation	Awen: Chair or trustee of Awen Chief Executive Director of Development & Partnerships Director of Operations Specific service leads as required BCBC: Leader of Council Cabinet member-Wellbeing of Future Generations Cabinet member-communities Chair of Overview and Scrutiny 3 Director of Social Services and Wellbeing Council lead officer (Deputisation as required)
External Representation	Cwm Taf Morgannwg Health Board/ Public Health Wales. Valleys to Coast Housing Association. Bridgend Association of Voluntary Organisations. Community Leisure UK
Administrative Support	Awen Cultural Trust
Reports & Agenda	To be received a minimum of 5 working days before the meeting
Meeting cycle	Four times a year -in line with partnership agreement.

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

THE PROVISION OF CARE AND SUPPORT IN THE SECURE ESTATE

1. Purpose of report

1.1 The purpose of this report is to update 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.

1.2 The purpose of the report is also to advise that the Social Services and Wellbeing Directorate will 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;
- to review the existing contractual arrangements with G4S and enter into a varied or new 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**:

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.

3. Background

3.1 The Social Services and Wellbeing (Wales) Act 2014 came into force on 6 April 2016, and accordingly changed the Authority's responsibilities towards people in prison.

From 6 April 2016, local authorities have been responsible for assessing and meeting the care and support needs of all adults and children in the secure estate while they are in custody. This has been a significant change and additional responsibility for the Authority as the Act applies equally to those in the secure estate as for those individuals in the community.

3.2 Part 11 of the Social Services and Wellbeing Act (Wales) 2014, applies to adults in prisons, approved premises, or bail accommodation in Wales (including those over 18 in youth detention accommodation) and children in youth detention accommodation or bail accommodation in England and Wales. For Bridgend County Borough Council this has meant providing care and support services to all eligible prisoners in HMP Parc, Bridgend.

3.3 The responsibilities for the Authority, as required by the Social Services and Wellbeing (Wales) Act, 2014, are as follows:

- Completing care and support assessments for prisoners;
- Producing care and support plans (with prison and healthcare involvement);
- Providing care and support services for those with eligible needs;
- Specialist and moveable items (e.g. walking frames, hoists);
- When a prisoner is to be released, or transferred to a different prison, to work with the local authority that they are moving to, ensuring continuity of care and support.

3.4 All offenders over the age of 18 are deemed to have 'ordinary residence' status and the Council is therefore responsible for meeting the care and support needs of individuals with eligible needs.

3.5 The plans of care and support that are currently commissioned by the Council to meet the eligible assessed needs of all adults and children in the secure estate are currently provided by G4S Health Services (UK) Ltd.

3.6 G4S Health Services (UK) Ltd is regulated under the Regulation and Inspection of Social Care (Wales) Act 2016, the same statutory framework of all domiciliary care providers in Wales, to deliver the social care element of the service in the prison. Bridgend County Borough Council has commissioned this service from G4S Health Services (UK) Ltd and is invoiced on a quarterly basis for the care and support provided. The team comprises a Registered Manager (who has both health and social care responsibilities) and 10 posts that provide social care commissioned domiciliary care.

3.7 From December 2022, Cwm Taf Morgannwg University Health Board (CTM UHB) will directly provide for the health needs of the prison population in HMP Parc. However there will still be a duty for the social care element to be provided/commissioned within the prison. The UHB cannot provide regulated social care without entering into a formal partnership agreement with the Council; and whilst an integrated provision remains a desirable potential option for the future, the deadline for the transfer of care provider prohibits this option at this time, as it is unlikely the time frame could be accomplished as the UHB is not currently a registered care provider for the purposes of the Regulation and Inspection of Social Care (Wales) Act.

3.8 The Council is unable to commission an independent domiciliary company to provide this care due to the constraints within HMP Parc Prison; and the reason for that position was laid out in a previous report to Cabinet on 26 July 2016 which included the very high level of vetting required for anyone working in a secure environment. 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.

4. Current situation/proposal

4.1 The CTM UHB will take over the provision of all health services in HMP Parc on the 1 December 2022.

4.2 G4S Health Services have indicated that on terminating their contractual arrangements to provide healthcare in HMP Parc, that they do not wish to remain the provider of social care and have therefore given the Authority formal notice.

4.3 CTM UHB cannot provide social care services as it is not a registered domiciliary care provider in accordance with the Regulation and Inspection of Care (Wales) Act 2016. The Council is a registered provider. There may be a future option for the University Health Board employed workforce to deliver social care on behalf of integrated services under a partnership agreement developed under Part 9 of the Social Services and Well-being (Wales) Act (2014) in line with the policy direction for integrated services. The UHB and the Council are not in a position to complete the necessary collaborative arrangements for an integrated approach within the timescales of the transfer of healthcare from G4S Health Services (UK) Ltd to the University Health Board.

4.4 The provision of care and support to people in the secure estate has proved to be a complex matter to arrange, in terms of the commissioning of services for prisoners and meeting the existing regulatory requirements for the provision of domiciliary care in Wales. In addition, the requirements associated with the high level of security at HMP Parc means that it is not possible to commission care in the usual way.

4.5 The Council is currently securing approximately 100 hours of care a week and are supporting prisoners with a diverse range of needs (e.g. dementia, Huntington's Disease, cancer). There are many challenges to providing care services in the prison environment that would not be the case in the community. For example, access to prisoners can be compromised by security priorities, and prison lock down. There are limited facilities to support people who are disabled and sick and there is not a separate hospital wing whereby prisoners who are particularly unwell or have high levels of need, can be constantly monitored.

4.6 A further limiting factor to commissioning and arranging care, is the requirement by the Ministry of Justice for enhanced security approval to be able to gain access to the prison. Access for outside agency staff would be protracted and not practical, for example, staff would need to park in the car park walk to the prison and then complete the required security checks. This can take more than 30 minutes, with a similar procedure having to be adhered to when leaving the prison. This process would significantly impair the ability of a provider to deliver a timely and flexible response to

individuals within the prison and could present significant risks to those requiring time sensitive calls.

4.7 The security regime of the prison also potentially presents a significant risk to outside agencies of not being able to meet their regulatory requirements in regard to 'missed calls' as there would be a number of outside influences that could prevent an agency from attending to a person on time. The delivery of this type of traditional service arrangement by independent providers is not an option as it is unlikely to be delivered safely. It is for these reason that it is therefore recommended that the support team is based permanently within HMP Parc.

4.8 Due to the complexity and restrictions of the prison environment, and for the reasons stated above, it is felt unlikely that an outside independent agency would find the prospect of providing care and support within the prison attractive; for example they may struggle to provide replacement staff due to enhance security clearance required when there are unanticipated vacancies, through sickness and absence; and currently their ability to deliver care is further compounded by the shortage of domiciliary care workers nationwide. To mitigate this risk the Council will be able to seek clearance for a number of staff to provide back up to this team in times of planned and unplanned leave.

4.9 For the reasons listed above, it is therefore felt that the only viable option available that will enable the Council to meet its statutory duty under the Social Services and Wellbeing (Wales) Act, to provide care and support to prisoners in HMP Parc, is for the Council to take direct responsibility for the social care service currently provided by G4S Health Services (UK) Ltd. Should Cabinet be in agreement with this proposal, the existing contractual arrangements between the Council and G4S will be reviewed.

4.10 Initial discussions have taken place with Human Resources and it is 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. The TUPE regulations place a legal duty on both the existing employer and the new employer to inform and consult with the affected employees and their representatives / trade unions. A transfer consultation with affected employees together with an analysis of the implications on the existing staff structure will take place prior to the agreed date of transfer of the work. The consultation will provide an opportunity for the affected employees to raise any issues, find solutions and have the opportunity to input on the decisions.

5. Effect upon policy framework and procedure rules

5.1 There is no effect upon the policy framework and 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, if approval to proceed is agreed.

6.2 The proposal to develop a directly delivered care and support team in HMP Parc will enable the Council to meet its statutory obligations under the Equality Act and the Social Services and Wellbeing (Wales) Act; however failure to discharge the duty to deliver care and support to people with protected characteristics, for example those who are sick and disabled, could present a potential reputational risk for the Council.

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

7.1 The implementation of the duties and responsibilities of Part 11 of the Social Services and Wellbeing Act (Wales) 2014, for the adult population living within the secure estate, in turns supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend. That is by promoting a healthier Bridgend and Wales, by promoting an environment in the secure estate that maximises people's physical and mental well-being; and supporting a more equal Wales for people within the secure estate, supporting them to fulfil their potential no matter what their circumstances.

7.2 The Act provides the basis for driving a different kind of public service in Wales, with 5 ways of working to guide how the Authority should work to deliver for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:

- **Long Term** – There is a challenge in trying to predict and meet the needs of people in the longer term in the secure estate, because the population mix within the prison is determined by the Ministry of Justice and can change at any time. The secure estate population, and service, needs to be kept under review to ensure that people can access their rights and entitlements under the Social Services and Wellbeing (Wales) Act when they are needed.
- **Prevention** – the implementation of the Secure Estate Teams Service has enabled the Authority to work with individuals providing information advice and assistance including life skills and support to people in the prison as well is those preparing for a release; this has enabled the Authority to take a preventative approach, anticipating future problems for people particularly for those who need care and support in the prison and support on release.
- **Integration** – The provision of the Authority Secure Estate Team service is delivered in partnership with the UHB and G4S and the probation and rehabilitation services and supports the maximisation of people's physical and mental well-being.
- **Collaboration** – This collaborative approach is managed and monitored through the Prison Health and Care Partnership where there is cross sector stakeholder representation, and where the pressures and challenges of delivering services within the prison are shared and mitigated to deliver the best possible intervention within the limitations of delivering services within the secure estate.
- **Involvement** – from inception there has been a collaborative approach to developing the Secure Estate Team; the Authority has worked with public bodies collaboratively, in terms of developing the Secure Estate Team Service, as well as supporting training on the requirements of the Social Services and Wellbeing Act. In addition there has also been considerable engagement with prisoners to ensure they understand the role of the service and how to access it; this has been achieved through the provision of accessible information,

advice, and publications for prisoners that have been made available to individuals through the prison systems.

8. Financial implications

8.1 The final configuration of the service provision will be determined following the TUPE transfer consultation and analysis of the implications on the existing staff structures. The service provision will be inclusive of weekends and bank holidays but will not include nights because the prison is in lockdown at night, and it is not possible to provide overnight services. Any urgent overnight needs are provided by the healthcare team, who can access cells with prison guard escorts.

8.2 There is an existing £72,790 budget for the G4S contract, however the cost of care in the prison can fluctuate year on year depending on the mix of prisoners at any given time in HMP Parc. Any difference between the final configuration of the service provision and the current available budget will be met from within existing Homecare budgets within Adult Services.

9. Recommendations

It is recommended that Cabinet:

9.1.1 Note the information contained in this report and the responsibilities for the Council under the Social Services and Wellbeing (Wales) Act 2014;

9.1.2 Approve 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;

9.1.3 Delegate 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.

Claire Marchant
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October 2022

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Background documents: None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR EDUCATION AND FAMILY SUPPORT

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

1. Purpose of report

1.1 The purpose of this report is to inform 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.

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.

- **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 Local authorities across the United Kingdom are experiencing a rise in the demand for services for children and young people with ALN and the cost to support this challenging budget. Anecdotal evidence from many local authorities suggests that not only are these needs becoming more numerous by volume, but also in their complexity.

3.2 This is putting pressure on all local authorities to meet and resource these needs, and this will only be exacerbated by the additional pressures that have been caused by COVID-19. In this context, many local authorities are reviewing their current provision 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.

3.3 Bridgend County Borough Council (BCBC) has taken a proactive approach to this by commissioning an additional learning needs strategic planning provision review in 2020.

3.4 An Additional Learning Needs Strategic Planning Provision Review Board has been established. One of the areas which has been identified for additional provision is at Key Stage 2 for children with ASD. There is an identified need to open an additional LRC for children with ASD.

3.5 Adaptation works to Tremains Primary School funded through the Schools Maintenance capital grant has begun, which would afford the space required to open an ASD LRC.

4. Current situation/proposal

4.1 The statutory public notice was issued on 30 June 2022 and the closing date for objections was 27 July 2022. The statutory notice sets out the details of the proposal to allow the public to object to the proposal.. The statutory notice is open for a period of 28 days. Any objections made within this period must be submitted in writing to the Council. The Council must then publish an objections report summarising any objections together with the Council's response to those objections.

4.2 There were no objections received during the statutory notice period. Cabinet is, therefore, now able to determine the implementation of the proposal.

5. Effect upon policy framework and procedure rules

5.1 There is no effect upon the policy frameworks 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 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	Affords pupils with a diagnosis of ASD a place in a school as near to their home as possible. Provides additional places required to meet the needs of an increase in diagnosis of pupils with ASD.
Prevention	Provision of locally based LRC's enables pupils to be educated as part of the graduated response as stipulated in the ALN Code of Practice and ultimately preventing being placed out-of-authority.

Integration	The ASD LRC is key in ensuring that pupils with a diagnosis of ASD have access to mainstream education experiences with their peers and also have the opportunity to reintegrate into mainstream education where appropriate. There are also efficiencies related to this proposal as the cost of an out-of-authority place far outweighs the cost of opening an LRC locally.
Collaboration	There is excellent collaboration between the local authority with schools that have LRC's. The Learner Support Service provides on-going support, advice and guidance to all schools.
Involvement	A range of key stakeholders are involved with a pupil placed in an ASD LRC ensuring that the individual needs of the pupil are met.

8. Financial implications

8.1 The funding for the LRC would be allocated through the mainstream school's delegated budget, via the school's funding formula allocation, and using a combination of a class allocation and the age-weighted pupil unit (AWPU) element.

8.2 Funding levels would be derived from notional current staffing needs and are based on the salary of a teacher and two support staff. One-off funding for the set-up costs would be £10k.

8.3 As part of the Medium-Term Financial Strategy (MTFS) 2021-2022, a budget pressure of £82k was approved for an additional primary school ASD LRC/class to cater for Key Stage 2 children. This budget will be used to fund the LRC, including the set-up costs, at Tremains Primary School should the proposal go ahead.

8.4 Adaptation works to Tremains Primary School to facilitate the space required to open an ASD LRC have been funded through the Schools Maintenance Capital Grant.

9. Recommendations

9.1 Cabinet is recommended to:

- note that no objections were received during the public notice period; and
- approve the implementation of the proposal with an opening date of autumn term 2022.

Lindsay Iorwerth Harvey
Corporate Director - Education and Family Support

18 October 2022

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Background documents:

None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

SCHOOL MODERNISATION PROGRAMME – COETY PRIMARY SCHOOL - PERMISSION TO COMMENCE STATUTORY CONSULTATION

1. Purpose of report

1.1 The purpose of this report is to seek 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.

1.2 The proposal, if approved, would come into effect from the beginning of the spring term 2025.

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.

- **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 Coety Primary School, which is a two-form-entry school located on Parc Derwen, was constructed during Band A of the School Modernisation Programme, and opened in November 2015.

3.2 The adopted Supplementary Planning Guidance (SPG) 16, applicable at that time, was used to calculate the size of provision required. However, a 2019 review of pupil yield rates from new housing developments demonstrated a higher pupil-yield figure compared to the rates contained in the then Bridgend County Borough Council (BCBC) adopted SPG16. SPG16 has since been updated and the revised rates have been adopted by the Council.

3.3 Additional housing has also been constructed at Parc Derwen, which was not planned as part of the original section (s) 106 for the development. The local authority has entered into a separate s106 agreement in respect of this additional housing and is awaiting payment from the developer.

3.4 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.

3.5 On 15 June 2022, Council approval was received to include the scheme in the capital programme and to utilise Bridgend County Borough Council (BCBC) capital resources to fund the extension. Once the s106 contribution has been received (approximately £300k in total), this funding will displace some of the BCBC funding.

4. Current situation/proposal

4.1 This 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.

4.2 The proposal to enlarge Coety Primary School requires the local authority to make a regulated alteration under the School Organisation Code 2018. A full consultation exercise is required with stakeholders including the school's governing body, staff, parents, pupils, and other interested parties. This is the first step in the statutory process. If carried through to completion, the proposal would come into effect at the beginning of spring term 2025. The consultation document will set out the implications of the proposal.

4.3 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.

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. There have been positive impacts identified, including disability and gender.

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

7.1 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	• Fulfils the Council's statutory duty to provide sufficient pupil places. • Supports the day-to-day management and operation of the school.
Prevention	• Safeguards the Council's position in terms of any potential legal challenge regarding the supply of school places.
Integration	• Ensures that the curriculum can be delivered from a purpose-built facility that meets social, environmental, and cultural objectives.
Collaboration	• Work effectively with schools and many internal and external partners to ensure that the building meets the short-term and future needs of users and the community that it will serve.
Involvement	• Engagement of potential stakeholders including Cabinet, members, governors, staff, pupils, community, internal and external partners.

7.2 As a result of the assessment, it is considered that there will be a positive impact upon the achievement of well-being goals/objectives.

8. Financial implications

8.1 £1.65m has been allocated in the capital programme for this project. The local authority has entered into a separate s106 agreement in respect of additional housing in the area. Once the s106 contribution has been received (approximately £300k in total), this funding will displace some of the BCBC funding. Any changes to the total cost of the scheme will be reported back to Cabinet and Council as appropriate.

8.2 Any revenue implications resulting as a consequence of enlarging Coety Primary School, including increases to the schools' delegated budget to cover a larger premises area and an increase in pupil numbers, along with any potential increases in school transport costs (which would depend on the school admission process and the applications made at that time), and will not be known until the scheme is developed further.

9. Recommendations

9.1 Cabinet is recommended to give approval to commence a statutory consultation process to a 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.

Lindsay Harvey
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18 October 2022

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Background documents:

None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR EDUCATION AND FAMILY SUPPORT

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

1. Purpose of report

1.1 The purpose of this report is to inform 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.

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.

- **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 Local authorities across the United Kingdom are experiencing a rise in the demand for services for children and young people with ALN and the cost to support this challenging budget. Anecdotal evidence from many local authorities suggests that not only are these needs becoming more numerous by volume, but also in their complexity.

3.2 This is putting pressure on all local authorities to meet and resource these needs, and this will only be exacerbated by the additional pressures that have been caused by COVID-19. In this context, many local authorities are reviewing their current provision 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.

3.3 Bridgend County Borough Council (BCBC) has taken a proactive approach to this by commissioning an additional learning needs strategic planning provision review in 2020.

3.4 An Additional Learning Needs Strategic Planning Provision Review Board has been established. One of the areas which has been identified for additional provision is at Key Stage 2 for children with MLD who attend Welsh-medium provision. There is an identified need to open a LRC for children with MLD who attend Welsh-medium schools.

3.5 Building works are planned for on an unused building at Ysgol Cynwyd Sant, this would afford the accommodation required for the MLD LRC. This is being funded through the Schools Maintenance capital grant.

4. Current situation/proposal

4.1 The statutory public notice was issued on 30 June 2022 and the closing date for objections was 27 July 2022. The public notice sets out the details of a proposal to allow the public to provide any objections they may have. The statutory notice is open for a period of 28 days. Any objections made within this period must be submitted in writing to the Council. The Council must then publish an objections report summarising the statutory objections together with the Council's response to those objections.

4.2 There were no objections received during the statutory notice period. Cabinet is, therefore, now able to determine the implementation of the proposal.

5. Effect upon policy framework and procedure rules

5.1 There is no effect upon the policy frameworks 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 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	Affords pupils with a diagnosis of MLD a place in a school as near to their home as possible. Provides additional places required to meet the needs of an increase in diagnosis of pupils with MLD.
Prevention	Provision of locally based LRC's enables pupils to be educated as part of the graduated response as stipulated in the ALN

Code of Practice and ultimately preventing being placed out-of-authority.

Integration The MLD LRC is key in ensuring that pupils with a diagnosis of MLD have access to mainstream education experiences with their peers and also have the opportunity to reintegrate into mainstream education where appropriate. There are also efficiencies related to this proposal as the cost of an out-of-authority place far outweighs the cost of opening an LRC locally.

Collaboration There is excellent collaboration between the local authority with schools that have LRC's. The Learner Support Service provides on-going support, advice and guidance to all schools.

Involvement A range of key stakeholders are involved with a pupil placed in an MLD LRC ensuring that the individual needs of the pupil are met.

8. Financial implications

8.1 The funding for the LRC would be allocated through the mainstream school's delegated budget, via the school's funding formula allocation, and using a combination of a class allocation and the age-weighted pupil unit (AWPU) element.

8.2 Funding levels would be derived from notional current staffing needs and are based on the salary of a teacher. One-off funding for the set-up costs would be £10k.

8.3 As part of the Medium-Term Financial Strategy (MTFS) 2021-2022, a budget pressure of £60k was approved for an additional primary school MLD LRC/class to cater for Key Stage 2 children accessing education through the medium of Welsh. This budget will be used to fund the LRC, including the set-up costs, at Ysgol Cynwyd Sant should the proposal go ahead.

8.4 Adaptation works to Ysgol Cynwyd Sant school to facilitate the space required to open a MLD LRC have been funded through the Schools Maintenance capital grant.

9. Recommendations

9.1 Cabinet is recommended to:

- note that no objections were received during the public notice period; and
- approve the implementation of the proposal.

Lindsay Iorwerth Harvey
Corporate Director - Education and Family Support

18 October 2022

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Background documents:

None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

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 appointment 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 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 seven current local authority governor vacancies at the six schools in the table below, all applicants met the approved criteria for appointment as a local authority governor and there was no competition for these vacancies. Therefore, the recommended appointments are as follows:

Name of applicant	School
Mr Nigel Burnap	Afon y Felin Primary School
Cllr Elaine Winstanley	Afon y Felin Primary School
Mrs Amy Morris	Brackla Primary School
Ms Rachel Delbridge	Pîl Primary School
Dr Alison Thomas	West Park Primary School
Mrs Elizabeth Morgan	Coleg Cymunedol Y Dderwen
Cllr Alex Williams	Pencoed Comprehensive 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 detailed at paragraph 4.1.

Mr Lindsay Harvey
CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

18 October 2022

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Background documents

None

Appendix A

The following table represents current and future local authority governor vacancies (up to the end of December 2022) subject to the approval of the recommended appointments at paragraph 4.1.

Name of school	Number of current and future vacancies	Latest date for submission of an application
Brackla Primary School	1 (vacant from 24 October 2022)	30 November 2022
Bryntirion Infant School	1 (current)	30 August 2022
Caerau Primary School	1 (vacant from 24 October 2022) 1 (vacant from 19 December 2022)	30 November 2022 23 January 2023
Cefn Glas Infant School	1 (vacant from 24 October 2022)	30 November 2022
Coychurch (Llangrallo) Primary School	1 (current)	30 August 2022
Ffaldau Primary School	1 (current) 1 (vacant from 19 December 2022)	30 August 2022 23 January 2023
Garth Primary School	1 (current)	30 August 2022
Litchard Primary School	2 (current)	30 August 2022
Llangewydd Junior School	1 (current) 1 (vacant from 19 December 2022)	30 August 2022 23 January 2023
Maes yr Haul Primary School	1 (vacant from 24 October 2022)	30 November 2022
Mynydd Cynffig Primary School	1 (current)	30 August 2022
Newton Primary School	1 (current)	30 August 2022
Oldcastle Primary School	1 (vacant from 24 October 2022)	30 November 2022
Pîl Primary School	1 (current)	30 August 2022

Plasnewydd Primary School	2 (current)	30 August 2022
St Robert's Roman Catholic Primary School	2 (current)	30 August 2022
Tondu Primary School	1 (current)	30 August 2022
Tremains Primary School	1 (current)	30 August 2022
Tynyrheol Primary School	1 (current)	30 August 2022
Ysgol Bryn Castell	1 (current)	30 August 2022
Ysgol Cynwyd Sant	2 (current)	30 August 2022
Ysgol Gymraeg Bro Ogwr	1 (current)	30 August 2022
Ysgol y Ferch o'r Sgêr	1 (current)	30 August 2022
Ysgol Gynradd Gymraeg Calon y Cymoedd	2 (current)	30 August 2022
Coleg Cymunedol Y Dderwen	1 (current)	30 August 2022
Cynffig Comprehensive School	1 (vacant from 19 December 2022)	23 January 2023
Pencoed Comprehensive School	1 (current) 1 (vacant from 24 October 2022)	30 August 2022 30 November 2022
Ysgol Gyfun Gymraeg Llangynwyd	1 (current)	30 August 2022

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

SCHOOL MODERNISATION PROGRAMME – HERONSBRIDGE SCHOOL OUTCOME OF STATUTORY NOTICE

1. Purpose of report

1.1 The purpose of this report is to:

- inform Cabinet of the outcome of the published statutory notice in respect of the replacement Heronsbridge School;
- seek approval to modify the implementation date of the proposal to the beginning of spring term 2026; and
- seek approval to issue and publish a decision letter, as prescribed by the School Organisation Code 2018 (the Code).

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.
- **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 Band B Strategic Outline Programme (SOP) was submitted to Welsh Government in July 2017. In October 2017 Cabinet was presented with a report detailing the outcome of the Band B review and gave approval to discontinue the original Band B schemes identified in the November 2010 Cabinet report and approved the revised SOP.

3.2 On 6 December 2017, the Welsh Government Department for Education gave 'approval in principle' for Bridgend's second wave of investment, which at that

stage had an estimated programme envelope cost of £68.2m. Further costs were to be determined, and these would be associated with additional infrastructure capacity.

3.3 In January 2018, Council approved in principle the financial commitment required for Band B of the School Modernisation Programme, subject to sufficient resources being identified and allocated to meet the match funding commitment.

3.4 In January 2020, Cabinet was presented with the outcome of the extensive options appraisal relating to each of the approved projects.

3.5 In December 2020, Cabinet and Corporate Management Board (CCMB) gave approval to progress the preferred 'Do maximum' option for Heronsbridge Special School (that is, a new-build school for pupils with autistic spectrum disorder (ASD), severe learning difficulties (SLD), and profound and multiple learning difficulties (PMLD) plus residential provision). The school would be sized to accommodate 300 pupils. The existing Heronsbridge Special School and the Pencoed College sites, which had been approved for further consideration in January 2020, would no longer be considered, and work would focus on the privately owned site at Island Farm. This was reflected in the Strategic Outline Case, which was subsequently submitted to Welsh Government for consideration.

3.6 In December 2020, Council approval was received to include funding in the Capital Programme to deal with payments associated with securing the land.

3.7 In March 2021, Ministerial approval was received in respect of the Strategic Outline Business Case for a replacement 300-place Heronsbridge Special School, plus residential provision. Although no capacity calculation is available for special schools, an assessment of existing teaching spaces based on a notional $5m^2$ per pupil (that is, less area per pupil than is specified in the Building Bulletin area guidelines) highlighted the significant overcrowding issue that exists at the school, producing a capacity of approximately 180 pupils.

3.8 Currently, there are 236 pupils on roll. Although every effort has been made to make best use of the building, the unprecedented increase in the number of learners with ASD requiring an education suited to their needs has resulted in an increased demand for places, which simply cannot be accommodated. The existing school has a range of specialised facilities. However, it is not fit for purpose. There are significant issues with regard to the size of teaching and non-teaching spaces. Storage and circulation space is extremely poor, and given the needs of the learners, (many of whom require walking aids/wheelchairs), this causes issues in managing safe movement around the school. The overall condition of the school is grade C (poor - exhibiting major defects and/ or not operating as intended) and the backlog maintenance costs (assessed in October 2020) is £1,248,200.

3.9 Ministerial approval of the Welsh Government Outline Business Case was received in November 2021.

3.10 The outcome of the feasibility study to consider the development of the school on privately owned land at Island Farm, Bridgend was reported to Cabinet on 8 March 2022 and approval was received to commence a statutory consultation process to make regulated alterations to Heronsbridge Special 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. The proposed new school would open from the beginning of autumn term 2025 (that is, September 2025).

3.10 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.

4. Current situation/proposal

4.1 Following Cabinet approval on 14 June 2022, the consultation report was published on the Council's website and stakeholders were informed accordingly.

4.2 The statutory notice was published on 30 June 2022 for a period of 28 days and formal written objections were invited during this time.

4.3 The statutory notice closed on 27 July 2022 and no objections were received in respect of the proposal.

4.4 An in-depth review of the delivery programme for the replacement school has been undertaken and advice has 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 is vital that the school and Health colleagues have 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.

4.5 The local authority has consulted with Heronsbridge School's Governing Body regarding the proposed modification, and the Chair has confirmed that the revised date is accepted, but has stressed the importance of devoting the extra consultation period for engagement with stakeholders to ensure that the new building does the pupils and county borough justice. The Chair advised that the governing body expects the best for their pupils, which begins with detailed consultation with all stakeholders at the design stage before building begins.

4.6 The Corporate Landlord Department is in the process of acquiring the Island Farm site for the proposed schoolIt is important to note that there is an element of risk in respect of this process. This matter has been considered by the School Modernisation Strategic Programme Board and it is the Board's view that this risk level is low. 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.

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

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. There have been positive impacts identified, including disability and gender.

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

7.1 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	The proposal fulfils the Council's statutory duty to provide sufficient pupil places and will allow teaching and learning to take place in a building and site which is suited to the needs of the learners and staff.
Prevention	The Council has a statutory duty to ensure there are a sufficient supply of school places, and this scheme will safeguard the Council's position in terms of any potential legal challenge in this regard.
Integration	Providing sufficient places at Heronsbridge School, ensures that the curriculum can be delivered and meets the social, environmental, and cultural objectives of learners and the community it will serve. This scheme will promote inclusion. Community use of facilities will be explored and, where appropriate, will be incorporated into the design. Should the proposal proceed in the future, construction will be competitively tendered, via a mini competition through the South East and Mid Wales Collaborative Construction Framework (SEWSCAP3) or potential future iterations of the framework. This will potentially provide opportunities for local companies to engage with the main contractor for inclusion in their supply chain, via 'Meet the Buyer' events. This would support economic activity in the area. Community benefits will be maximised.

Collaboration	The local authority will work effectively with the school, Estyn, Central South Consortium, health, town and 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. Officers will work with an external design team in developing the scheme to ensure that the building design is sustainable and energy efficient and delivers on the decarbonisation agenda.
Involvement	This scheme was subject to a long list of education and site options. These were systematically evaluated and have been reduced from a long list to a short list to confirm the preferred option. Further work involved the engagement of all potential stakeholders including Cabinet, members, governors, staff, pupils, community, internal and external partners which will include third sector organisations, during the consultation exercise. A public consultation process has been undertaken, according to the WG School Organisation Code 2018.

As a result of the assessment, it is considered that there will be a positive impact upon the achievement of well-being goals/objectives.

8. Financial implications

8.1 In December 2018, Council approved a programme envelope of £71.3m, covering Band B new school builds of £68.2m and potential highways works of £3.1m (the cost of highway works will have to be met in full by the local authority, as there is no match funding from Welsh Government). Following subsequent amendments to the capital programme, the updated position was that there were budgets of £49.504m for works and £3.4m for all Band B schools highways infrastructure within the capital programme, with the remaining Band B school build schemes funded via the revenue funded Mutual Investment Model (MIM).

8.2 £25m had been allocated within the overall £49.504m Band B capital budget for this project. In June 2022, Cabinet were advised that contractor inflation and the impact of COVID-19 and 'Brexit' will have a detrimental impact on the scheme costs. Cabinet was informed that Welsh Government had issued revised cost standards to local authorities, which address price increases and cover decarbonisation and the commitment to deliver 'net zero carbon' schools. The impact of the revised cost standards was reported to Council in July 2022, and approval was received to increase the Council's overall Band B capital budget from £49.504m to £64.966m. The funding matrix detailing this funding increase has since been submitted to Welsh Government, and clearly sets out the additional Welsh Government funding required for the scheme at the 75% intervention rate. The cost of the scheme will continue to be reviewed regularly throughout the course of the project. Any changes to the total cost of the scheme or council contributions will be reported back to Cabinet and Council as appropriate.

8.3 The scheme would be tendered as a design and build contract through the South East Wales and Mid Wales Collaborative Construction Framework (SEWSCAP3) or potential future iterations of the framework.

8.4 Any revenue implications resulting as a consequence of moving sites, including increases to the schools' delegated budget to cover a larger premises areas, and any potential increases in school transport costs, will not be known until the scheme is developed further.

8.5 The cost of the feasibility study has been funded from the Council's feasibility funding allocation for Band B school modernisation.

9. Recommendations

9.1 Cabinet is recommended to:

- note 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;

- determine to modify the implementation date of the proposal to the beginning of spring term 2026; and

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

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18 October 2022

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Background documents

Equality Impact Assessment, Community Impact Assessment, Welsh Language Impact Assessment

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT AND THE CORPORATE DIRECTOR – SOCIAL SERVICES AND WELLBEING

SCHOOL MODERNISATION PROGRAMME – HERONSBRIDGE SCHOOL PROCUREMENT

1. Purpose of report

1.1 The purpose of this report, subject to Cabinet's decision on 18 October 2022 in relation to the outcome of the statutory notice process in respect of the replacement Heronsbridge School, is to:

- seek Cabinet approval for the procurement strategy for the design and build of the replacement school;
- seek Cabinet approval to proceed with the procurement process;
- advise Cabinet that they will 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
- advise Cabinet that they will be presented with a future report prior to awarding the main construction contract, which sets out the position regarding project costs and budget.

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.
- **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 Band B strategic outline programme (SOP) was submitted to Welsh Government in July 2017. In October 2017 Cabinet was presented with a report detailing the outcome of the Band B review and gave approval to discontinue the original Band B schemes identified in the November 2010 Cabinet report and approved the revised strategic outline programme.

3.2 On 6 December 2017, the Welsh Government Department for Education gave 'approval in principle' for Bridgend's second wave of investment, which at that stage had an estimated programme envelope cost of £68.2m. Further costs were to be determined, and these would be associated with additional infrastructure capacity.

3.3 In January 2018, Council approved in principle the financial commitment required for Band B of the School Modernisation Programme, subject to sufficient resources being identified and allocated to meet the match funding commitment.

3.4 In January 2020, Cabinet was presented with the outcome of the extensive options appraisal relating to each of the approved projects.

3.5 In December 2020, Cabinet and Corporate Management Board (CCMB) agreed to progress the preferred 'Do maximum' option for Heronsbridge School' (that is, a new-build school for pupils with autistic spectrum disorder (ASD), severe learning difficulties and profound and multiple learning difficulties plus residential provision). The school would be sized to accommodate 300 pupils. The existing Heronsbridge School and the Pencoed College sites, which had been approved for further consideration in January 2020, would no longer be considered, and work would focus on the privately owned site at Island Farm. This was reflected in the strategic outline case, which was subsequently submitted to Welsh Government for consideration.

3.6 In December 2020, Council approval was received to include funding in the Capital Programme to deal with payments associated with securing the land.

3.7 In March 2021, Ministerial approval was received in respect of the Strategic Outline Business Case for a replacement 300-place Heronsbridge School, plus residential provision. Although no capacity calculation is available for special schools, an assessment of existing teaching spaces based on a notional $5m^2$ per pupil (that is, less area per pupil than is specified in the Building Bulletin area guidelines) highlighted the significant overcrowding issue that exists at the school, producing a capacity of circa 180 pupils. Currently, there are 236 pupils on roll.

3.8 Although every effort has been made to make best use of the building, the unprecedented increase in the number of learners with ASD requiring an education suited to their needs has resulted in an increased demand for places, which simply cannot be accommodated. The existing school has a range of specialised facilities. However, it is not fit-for-purpose. There are significant issues with regard to the size of teaching and non-teaching spaces.

Storage and circulation space is extremely poor, and given the needs of the learners, (many of whom require walking aids/wheelchairs), this causes issues in managing safe movement around the school. The overall condition of the school is grade C (poor - exhibiting major defects and/ or not operating as intended) and the backlog maintenance costs (assessed in October 2020) is £1,248,200.

3.9 Ministerial approval of the Welsh Government Outline Business Case was received in November 2021.

3.10 The outcome of the feasibility study to consider the development of the school on privately owned land at Island Farm, Bridgend was reported to Cabinet on 8 March 2022 and approval was received to commence a statutory consultation process 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. The proposed new school would open from the beginning of autumn term 2025 (that is, September 2025).

3.11 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.

3.12 On 14 June 2022, the consultation report was published on the Council's website and stakeholders were informed accordingly. The statutory notice was published on 30 June 2022 for a period of 28 days and formal written objections were invited during this time. No objections were received in respect of the proposal. Since that time, an in-depth review of the project delivery programme has been undertaken. To ensure there is meaningful stakeholder engagement, Cabinet approval has been sought on 13 September 2022 to modify the proposal so that the school opens at the beginning of the spring term 2026.

3.13 The Remodeling Children's Residential Services Project was formed in 2017-2018 as part of the Remodelling Children's Services Programme. The remit of the project was to review current residential provision (to include residential homes and out-of-county placements) and to develop a proposed new residential and accommodation model. As part of the remodelling programme, Harwood House was secured on the current Heronsbridge School site, and a refurbishment was completed to meet regulations and enable registration with Care Inspectorate Wales.

4. Current situation/proposal

4.1 Cabinet has received a report on 18 October 2022 regarding the outcome of the statutory process to make regulated alterations to Heronsbridge Special 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. Subject to the decision in this regard, the Council will need to progress the procurement of the team to deliver the project. The Council is being advised and supported in this process by AECOM, whose director has provided the following expert advice.

4.2 Due to the specialist nature of Heronsbridge School and the need for meaningful stakeholder engagement the recommendation is to appoint a multi-disciplinary design team utilising a recognised framework (for example, SEWTAPs, Crown Commercial Services, Eastern Shires Purchasing Organisation) to develop the design of the school through to the end of Royal Institute of British Architecture (RIBA) Stage 2. The appointed team, (which will include architects, mechanical and electrical, and structural and civil designers) will undertake the necessary consultation, brief development, and design development under a professional services contact (PSC).

4.3 Upon satisfactory conclusion of this stage, it is recommended that the local authority would procure a design and build contractor to take the scheme forward via a two-stage tender. The scheme would be tendered as a mini competition under Lot 10 of the South East Wales and Mid Wales Collaborative Construction Framework (SEWSCAP4). The contractor would be appointed under a New Engineering Contract (NEC) PSC for the remaining design of the project (that is, RIBA Stages 3 and 4), with an option for the design team to be novated across to the contractor. The main contract (that is, the build) would be carried out under an NEC 4: Engineering and Construction Contract (ECC).

4.4 The construction industry is seeing unprecedented levels of uncertainty in the supply and delivery of construction projects, impacted by several external factors including leaving the European Union, supply and labour shortages and more recently, the war in Ukraine and the increase in energy costs. All of these issues are contributing to price increases and main contractors are unable to get sub-contractors to hold their costs for extended periods.

4.5 AECOM is working with a number of clients across several sectors, including local government and education and this is now the ‘norm’ with projects. Projects of this value are predominantly a two-stage tender process utilising the NEC Option A (that is, a priced contract with an activity schedule) and because of the market conditions, closing out the second stage is taking longer than usual with contractors struggling with capturing the pressures around:

- inflation;
- supply chain resilience; and
- sub-contractors pricing.

4.6 In March 2022, the Consumer Price Index (CPI) hit a 30-year high. Currently, the CPI rate is 10.1 percent, its highest level since 1982.

4.7 Material prices have begun rising and coupled with rising labour costs, this is set to push up tender prices sharply. In response, the approach will need to be both agile and strategic in managing the impact of a complex, fast-moving and highly inflationary environment.

4.8 Working across the sectors, AECOM are aware that current industry workload and pipeline remains strong with the local workstream very strong. Contractors have their own relevant corporate governance to negotiate to get projects

approved and they are less willing to accept risks in relation to the current market forces. Inflationary pressures will need to be carefully managed.

4.9 These issues mean that to ensure a successful project, a truly collaborative approach is required across the procurement, design, and delivery phases.

4.10 In ‘normal’ circumstances AECOM would recommend taking Option A as they believe that this provides clients and contractors with certainty in terms of cost and programme (subject to relevant mechanisms, for example, compensation events). Option A is still considered a viable option, but AECOM advise that a more stringent approach is required as to how issues around inflation are dealt with.

4.11 The clear advantage of Option A is that at the outset of the project, all parties have agreed what cost the contractor will deliver the agreed scope for. Unless there is change (which should be managed through the compensation event procedures set out in the contract) the price agreed is the price that will be paid by the client. However, the current challenges make it more difficult to get to an agreed cost that the contractor will deliver for, specifically around price increase due to the factors previously mentioned. This means that a slightly different approach is now recommended to manage these pressures.

4.12 Traditionally, clauses within the NEC that entitle contractors to price uplifts due to inflation have not been included. These have been omitted, which reflected the stability of the market at the time. It is widely accepted that contractors would have normally priced risk into their final settlement figure but they are now not willing to carry this risk, or if they did then the allowance may be considered to be unreasonable and delay or actually stop reaching a financial settlement.

4.13 AECOM propose that Option A is a viable option to select. However, they recommend that the contract includes Secondary Option X1 – price adjustment for inflation. To support this approach, they also recommend identifying a suitable client adjustable sum (CAS) to deal with potential inflationary costs and manage in partnership with the contractor via an open book approach. The CAS needs to be developed based on current and forecast indices to make it as robust as possible. The CAS will be a pre-agreed amount that will sit ‘Client side’ throughout the contract and will be, in effect, a contingency amount to address the market issues with regards to material price inflation, costs associated with the instability in the labour market along with the increases in the energy supply market. It will support the approach in terms of managing the client/contractor share of risk, enabling the contractor to price a fair and reasonable level at the point of signing the contract without unduly transferring the risk to the client in the form of excessive allowances. The contractor will determine the allowance for inflation that they have included in the price as part of the lump sum (Option A) across the build programme (baselined at the point of agreeing contract sum) linked to published indices including Building Cost Information Service indices, with the CAS then covering any further inflationary changes that occur over and above this allowance. This approach will require the Client’s advisers to assess the additional inflationary amount due under Secondary Option X1

and, once agreed, raise the necessary compensation event under the requirements set out in the ECC form of contract, resulting in a change to the price without necessarily changing the programme.

4.14 Alternatively an NEC 4 Option C contract could be used (that is a target cost contract), which is generally appropriate when the anticipated contractor's risks are relatively high such that a contract under Option A could lead to many changes. It is also appropriate when the exact nature and extent of services to be provided cannot be fully defined. This should not be applicable to the Heronsbridge School development, as the school will be designed to Building Bulletin 104 (that is, the area guidelines for special schools)

4.15 Option C is also known for the high level of administration required in relation to the financial element of the contract, as contractor's invoices and costs have to be checked on an ongoing basis. This will be reflected in the fees associated with the project manager and cost manager who will sit client side and look after the Council's interest in the project.

4.16 While Option C is a possibility, in terms of addressing the issues around inflationary pressures within the sector, AECOM do not consider it to be particularly beneficial over an Option A contract. Consequently, Option A is the officer recommended preferred procurement approach to pursue (with the contract including Secondary Option X1 – 'price adjustment for inflation' as outlined in 4.13 above).

4.17 The Social Services and Wellbeing Directorate has mitigated the need to place some children out-of-county as they have access to Harwood House which is located on the current site of Heronsbridge School. However, there are significant benefits for the home to be co-located alongside the replacement Heronsbridge School. Limitations currently experienced at Harwood House in terms of the physical aspect of the property (that is, being unable to accommodate wheelchair users which restricts the service accommodating children and young people with a profound physical disability), would be remedied in a new build.

4.18 During the design development stage for the replacement school, officers from the Social Services and Wellbeing Directorate will 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 will be reported to a future Cabinet meeting. As the design and build will be a two-stage process, minimal costs in terms of design will be incurred and there would be no commitment to go through to the second stage (that is, build).

4.19 As Cabinet will be aware, the Corporate Landlord Department is in the process of acquiring the Island Farm site for the proposed school. It is important to note that there is an element of risk in respect of this process. This matter has been considered by the School Modernisation Strategic Programme Board (Board) and the level of risk is considered to be low. However, 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.

4.20 Notwithstanding the above, it is the Board's recommendation that the design process for the replacement school commences and runs concurrently with concluding the site transaction process. Should the transaction not proceed, any abortive design fees/costs would have to met by Council revenue budgets.

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. There have been positive impacts identified, including disability and gender.

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

7.1 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	The scheme fulfils the Council's statutory duty to provide sufficient pupil places and will allow teaching and learning to take place in a building and site which is suited to the needs of the pupils and staff.
Prevention	The Council has a statutory duty to ensure there are a sufficient supply of school places, and this scheme will safeguard the Council's position in terms of any potential legal challenge in this regard.
Integration	Providing sufficient places at Heronsbridge School, ensures that the curriculum can be delivered and meets the social, environmental, and cultural objectives of pupils and the community it will serve. This scheme will promote inclusion. Community use of facilities will be explored and, where appropriate, will be incorporated into the design. Construction will be competitively tendered, via a mini competition through the SEWSCAP4 Framework Agreement or potential future iterations of the framework. This will potentially provide opportunities for local companies to engage with the main contractor for inclusion in their supply chain, via 'Meet the Buyer' events. This would support economic activity in the area. Community benefits will be maximised.

Collaboration	The Council will work effectively with the school, Estyn, Central South Consortium, health, town and 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. Officers will work with an external design team in developing the scheme to ensure that the building design is sustainable and energy efficient and delivers on the decarbonisation agenda.
Involvement	This scheme was subject to a long list of education and site options. These were systematically evaluated and have been reduced from a long list to a short list to confirm the preferred option. Further work involved the engagement of all potential stakeholders including Cabinet, members, governors, staff, pupils, community, internal and external partners during the consultation exercise. A public consultation process has been undertaken, according to the Welsh Government School Organisation Code 2018. Further meaningful stakeholder engagement will take place, and this will inform the design of the replacement school.

As a result of the assessment, it is considered that there will be a positive impact upon the achievement of well-being goals/objectives.

8. Financial implications

8.1 In December 2018, Council approved a programme envelope of £71.3m, covering Band B new school builds of £68.2m and potential highways works of £3.1m (the cost of highway works will have to be met in full by the Council, as there is no match funding from Welsh Government). Following subsequent amendments to the capital programme, the updated position was that there were budgets of £49.504m for works and £3.4m for all Band B schools highways infrastructure within the capital programme, with the remaining Band B school build schemes funded via the revenue funded Mutual Investment Model (MIM).

8.2 £25m had been allocated within the overall £49.504m Band B capital budget for this project. In June 2022, Cabinet was advised that contractor inflation and the impact of COVID-19 and 'Brexit' will have a detrimental impact on the scheme costs. Cabinet was informed that Welsh Government had issued revised cost standards to local authorities, which address price increases and also cover decarbonisation and the commitment to deliver 'net zero carbon' schools. The impact of the revised cost standards was reported to Council in July 2022, and approval was received to increase the Council's overall Band B capital budget from £49.504m to £64.966m. The funding matrix detailing this funding increase has since been submitted to Welsh Government, and clearly sets out the additional Welsh Government funding required for the scheme at the 75% intervention rate. The cost of the scheme will continue to be reviewed regularly throughout the course of the project. Any changes to the total cost of the scheme or council contributions will be reported back to Cabinet and

Council as appropriate. There is no funding currently ringfenced or approved for the relocation of the residential and respite service alongside the replacement school in the current Capital Programme.

8.3 Any revenue implications resulting as a consequence of moving sites, including increases to the schools' delegated budget to cover a larger premises areas, and any potential increases in school transport costs, will not be known until the scheme is developed further.

8.4 Social Services and Wellbeing Directorate officers are in the process of submitting a capital bid for design and build of a new residential and respite centre through the regional housing with care capital funding. The design element can be claimed retrospectively if successful. It must be noted that should funding be granted, the Council will also be required to match-fund an element of the overall cost (approximately 42%) and a proposal would need to be progressed for Cabinet's consideration before seeking Council approval for any BCBC match funding to be provided through the Capital Programme. If the regional bid is unsuccessful the design costs will be underwritten by a Social Services and Wellbeing Directorate earmarked reserve.

8.5 As detailed in paragraphs 4.19 and 4.20 of this report, any abortive design fees/costs associated with the development would have to be funded by Council revenue budgets. Should this be required, this will be reported back to Cabinet in due course.

9. Recommendations

9.1 Subject to Cabinet's decision on 18 October 2022 in relation to the outcome of the statutory notice process in respect of the replacement Heronsbridge School, Cabinet is recommended to:

- approve 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;

- give approval to proceed with the procurement process;

- note that Cabinet will 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

- note that Cabinet will be presented with a future report prior to awarding the main construction contract which sets out the position regarding project costs and budget.

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18 October 2022

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Background documents

Equality Impact Assessment initial screening, Community Impact Assessment, Welsh Language Impact Assessment

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

SCHOOL MODERNISATION PROGRAMME – YSGOL GYMRAEG BRO OGWR OUTCOME OF STATUTORY NOTICE

1. Purpose of report

1.1 The purpose of this report is to:

- inform Cabinet of the outcome of the published statutory notice in respect of the replacement Ysgol Gymraeg (YG) Bro Ogwr;
- seek approval to implement the proposal with effect from the beginning of autumn term 2025; and
- seek approval to issue and publish a decision letter, as prescribed by the School Organisation Code 2018 (the Code).

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.
- **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 Band B Strategic Outline Programme (SOP) was submitted to Welsh Government in July 2017. In October 2017 Cabinet was presented with a report detailing the outcome of the Band B review and gave approval to discontinue the original Band B schemes identified in the November 2010 Cabinet report and approved the SOP.

3.2 On 6 December 2017, the Welsh Government Department for Education gave 'approval in principle' for Bridgend's second wave of investment, which at that

stage had an estimated programme envelope cost of £68.2m. Further costs were to be determined, and these would be associated with additional infrastructure capacity.

3.3 In January 2018, Council approved in principle the financial commitment required for Band B of the School Modernisation Programme, subject to sufficient resources being identified and allocated to meet the match funding commitment.

3.4 In January 2020, Cabinet was presented with the outcome of the extensive options appraisal relating to each of the approved projects.

3.5 In July 2020, Ministerial approval was received in respect of the Strategic Outline Business Case.

3.6 Cabinet approval was received to progress an on-site feasibility at Brackla Hill in respect of the preferred education option for the Bridgend North East scheme (that is, 2.5-form-entry YG Bro Ogwr on the Brackla Hill site), the outcome of which was reported to Cabinet on 9 February 2021.

3.7 Having considered the technical complexities and potential costs associated with the development of the school at Brackla Hill, Cabinet determined to discount that site from any future consideration in respect of YG Bro Ogwr and gave approval for officers to consider alternative options for the replacement school.

3.8 Of the three alternative sites that were considered, the privately owned site at Ffordd Cadfan (considered previously as part of the options appraisal process and cost prohibitive at that time), was regarded as the most suitable for the replacement school in terms of its size, and geographical location within the catchment area.

3.9 The Council's Strategic Asset Management and Investment Manager revisited this option with the landowner who confirmed they were willing to sell the site.

3.10 A cost differential exercise in respect of developing a school at the formerly discounted Brackla Hill site compared with developing the land off Ffordd Cadfan was undertaken as a benchmark exercise, and it proved that progressing a scheme at the latter location would be more economical and cost effective.

3.11 Welsh Government approval was sought for the land acquisition at Ffordd Cadfan to be treated as an 'abnormal' in this particular instance, and approval sought for the land purchase to be funded through the Band B programme. This approach was accepted in principle by Welsh Government.

3.12 Officers were unable to confirm at what point these funds would be available and therefore Council approval was received in December 2020 to include the acquisition costs in the capital programme in order to secure the purchase initially.

3.13 In November 2021, Cabinet received a joint report from the Corporate Director, Education and Family Support and the Corporate Director, Communities, which detailed the outcome of a feasibility study in respect of the land off Ffordd Cadfan and confirmed the site's suitability for development. At the same meeting, Cabinet approval was received to proceed with the acquisition of the site.

3.14 Ministerial approval of the Welsh Government Outline Business Case was received in November 2021.

3.15 On 18 January 2022, Cabinet approval was received to commence a statutory consultation process to make a regulated alteration to enlarge YG 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. The proposal would come into effect at the beginning of autumn term 2025.

3.16 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.

4. Current situation/proposal

4.1 Following Cabinet approval on 14 June 2022, the consultation report was published on the Council's website and stakeholders were advised accordingly.

4.2 The statutory notice was published on 30 June 2022 for a period of 28 days and formal written objections were invited during this time.

4.3 The statutory notice closed on 27 July 2022. 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 in respect of the proposal.

4.4 Cabinet are now requested to give full consideration to the outcome of the process and determine whether to implement the proposal. Cabinet can either decide to accept, reject or modify the proposal.

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. There have been positive impacts identified, including disability, gender, and the Welsh language.

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

7.1 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	The proposal fulfils the Council's statutory duty to provide sufficient pupil places and will allow teaching and learning to take place in a building and site which is suited to the needs of the learners and staff.
Prevention	The Council has a statutory duty to ensure there are a sufficient supply of school places, and this scheme will safeguard the Council's position in terms of any potential legal challenge in this regard.
Integration	Providing sufficient places at YG Bro Ogwr, ensures that the curriculum can be delivered and meets the social, environmental, and cultural objectives of learners and the community it will serve. This scheme will promote inclusion. Community use of facilities will be explored and, where appropriate, will be incorporated into the design. Should the proposal proceed in the future, construction will be competitively tendered, via a mini competition through the South East and Mid Wales Collaborative Construction Framework (SEWSCAP3) or potential future iterations of the framework. This will potentially provide opportunities for local companies to engage with the main contractor for inclusion in their supply chain, via 'Meet the Buyer' events. This would support economic activity in the area. Community benefits will be maximised.
Collaboration	The local authority will work effectively with the school, Estyn, Central South Consortium, health, town and 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. Officers will work with an external design team in developing the scheme to ensure that the building design is sustainable and energy efficient and delivers on the decarbonisation agenda.
Involvement	This scheme was subject to a long list of education and site options. These were systematically evaluated and have been reduced from a long list to a short list to confirm the preferred option. Further work involved the engagement of all potential stakeholders including Cabinet, members, governors, staff, pupils, community, internal and external partners which will include third sector organisations, during the consultation exercise. A public consultation process has been undertaken, according to the Welsh Government School Organisation Code 2018.

As a result of the assessment, it is considered that there will be a positive impact upon the achievement of well-being goals/objectives.

8. Financial implications

8.1 In December 2018, Council approved a programme envelope of £71.3m, covering Band B new school builds of £68.2m and potential highways works of £3.1m (the cost of highway works will have to be met in full by the local authority, as there is no match funding from Welsh Government). Following subsequent amendments to the capital programme, the updated position was that there were budgets of £49.504m for works and £3.4m for all Band B schools highways infrastructure within the capital programme, with the remaining Band B school build schemes funded via the revenue funded Mutual Investment Model (MIM).

8.2 £12.6m had been allocated in the capital programme for this project and the Welsh Government intervention rate is 65%. The additional 15 full-time equivalent places for rising 3s would need to be funded from BCBC capital and would form part of the total project costs. In June 2022, Cabinet was advised that contractor inflation and the impact of COVID-19 and 'Brexit' will have a detrimental impact on the scheme costs. Cabinet was informed that Welsh Government had issued revised cost standards to local authorities, which address price increases and cover decarbonisation and the commitment to deliver 'net zero carbon' schools. The impact of the revised cost standards was reported to Council in July 2022, and approval was received to increase the Council's overall Band B capital budget from £49.504m to £64.996m. The funding matrix detailing this funding increase has since been submitted to Welsh Government, and clearly sets out the additional Welsh Government funding required for the scheme at the 65% intervention rate. Any revenue implications resulting as a consequence of moving sites will not be known until the scheme is developed further. The cost of the scheme will continue to be reviewed regularly throughout the course of the project and any changes will be reported back to Cabinet and Council as appropriate.

8.3 The scheme would be tendered as a design and build contract through the South East Wales and Mid Wales Collaborative Construction Framework (SEWSCAP3) or potential future iterations of the framework.

8.4 Any revenue implications resulting as a consequence of moving sites, including increases to the schools' delegated budget to cover a larger premises areas, and any potential increases in school transport costs, will not be known until the scheme is developed further.

8.5 The cost of the feasibility study has been funded from the Council's feasibility funding allocation for Band B school modernisation.

9. Recommendations

9.1 Cabinet is recommended to:

- note 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;

- determine to implement the proposal with effect from the beginning of the autumn term 2025; and

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

Lindsay Harvey
Corporate Director - Education and Family Support

18 October 2022

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Background documents

Equality Impact Assessment, Community Impact Assessment, Welsh Language Impact Assessment

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

WELSH-MEDIUM CHILDCARE – BRIDGEND TOWN

1. Purpose of report

1.1 The purpose of this report is to:

- detail the outcome of the options appraisal process for the delivery of Welsh-medium childcare provision for the Bridgend Town area; and
- seek approval to co-locate the Welsh-medium childcare provision for the Bridgend Town area with Ysgol Gymraeg (YG) Bro Ogwr.

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.
- **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 March 2018, the Cabinet Secretary for Finance made available £30m across Wales for projects dedicated to supporting and growing the use of the Welsh language in education. This funding would assist the delivery of Welsh Government's ongoing commitment to achieve a million Welsh speakers by 2050.

3.2 Welsh Government advised that this funding was in addition to the existing allocation announced for Band B of the then 21st Century Schools and Education Programme (that is, the Sustainable Communities for Learning Programme).

3.3 A childcare sufficiency audit of settings within Bridgend had identified gaps in this vital provision. These gaps, together with a lack of Welsh-medium

childcare, resulted in a decision being taken to centre Bridgend's proposals on Welsh-medium sessional, child and wraparound care.

3.4 In determining the locations that would benefit from such provision, consideration was given to developing centres to support transition from Welsh-medium childcare provision to Welsh-medium primary education, thereby encouraging transition, and in turn, promoting and supporting Welsh-medium schools in key areas of the county borough.

3.5 Bettws and Ogmore Valley areas were identified as key locations that would benefit from Welsh-medium childcare provision. It was considered that such facilities at these strategic locations would help support transition from childcare into Welsh-medium primary education at Ysgol Gynradd Gymraeg Calon Y Cymoedd.

3.6 In addition, the geographical areas of Bridgend Town and Porthcawl were also identified as requiring Welsh-medium childcare settings, which in turn would support transition into YG Bro Ogwr and Ysgol y Ferch o'r Sgêr respectively.

3.7 A bid for funding was submitted to Welsh Government and in September 2018, the then Minister for Welsh Language and Lifelong Learning announced the successful outcome of the process, and Bridgend County Borough Council was awarded £2.6m capital grant.

3.8 A Welsh-medium steering group, comprising of officers and key stakeholders was established in order to help inform each project, develop business plans and aid the future sustainability of provision post-construction.

3.9 In July 2019, Cabinet determined the site locations for the Bettws and Ogmore Valley schemes (that is, the site of the former Boys and Girls Club at Bettws and Isfryn Industrial Estate at Blackmill respectively). Both schemes are currently under construction and will be completed in the near future.

4. Current situation

4.1 Officers have considered a long list of sites in the Bridgend Town area, based on their suitability and location for the development of the childcare facility (Appendix 1).

4.2 The project team has considered the potential sites and determined that the preferred option for the Welsh-medium childcare provision should be that it is co-located alongside YG Bro Ogwr.

4.3 If the proposal to enlarge YG Bro Ogwr to a 2.5-form-entry provision at the Ffordd Cadfan site in Brackla proceeds, the childcare provision will 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 presents economies of scale. If the new school proposal does not proceed, the provision could be located on the existing YG Bro Ogwr site. However, it will be necessary to construct a stand-alone childcare facility that could be accommodated on the grassed area opposite the main entrance to the school.

4.4 Co-locating the Welsh-medium childcare provision alongside the Welsh-medium primary school will encourage excellent transition links and promotion of the Welsh language, by having all-through provision in the same location.

4.5 The outcome of the options appraisal undertaken by the project team has been reported to the School Modernisation Strategic Programme Board and the preferred option recommended within this report was agreed by the Board.

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. The assessments confirm that there would be a positive impact on the Welsh language provision currently available.

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

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service. The required assessment template has been completed and a summary of the implications from the assessment relating to the five ways of working is outlined below:

Long-term	This project will meet both short and long-term planning with regard to both the number of childcare places available in the borough, alongside increasing Welsh-medium provision and focused Welsh language benefits for the communities identified.
Prevention	It will reduce the impact of long-term demands on the level of childcare in relation to information on the Bridgend local authority Childcare Sufficiency Assessment. The project also has at its aim the ability to increase Welsh speakers and the number of children entering Welsh language education.
Integration	The project will deliver social, economic, and cultural outcomes, as it will be a community asset.
Collaboration	The project development and planning phase is being supported by a steering group, where stakeholders with vested interests both internal to Bridgend County Borough Council (BCBC) and external, are members.

Involvement	The stakeholders involved in the steering group reflect both childcare and Welsh language organisations. The schemes will deliver beyond the key focus of childcare and education with other services planned, focused on sustainability, community benefit and wellbeing of citizens.

8. Financial implications

8.1 The £2.6m capital allocation was initially split equally between the four Welsh-medium childcare projects. However, the developments at Bettws and Ogmore Valley were complex and necessitated a virement within the overall funding allocation plus additional funding from Welsh Government. Therefore the funding allocation for the Bridgend Town project is £550k, which covers costs associated with the design and construction of the building. No capital contribution is required from the Council as the cost is 100% funded by Welsh Government for the Welsh-medium childcare element.

8.2 Welsh Government has not made revenue funding available for the ongoing running cost of the building, as such, all associated costs (that is energy, cleaning) will have to be borne by the end user. It is therefore critical for the steering group to work together to ensure the future sustainability of the provision.

8.3 Loose furniture, equipment and IT will also have to be provided by the end user.

9. Recommendations

9.1 Cabinet is recommended to give approval to co-locate the Bridgend Town area Welsh-medium childcare provision with YG Bro Ogwr.

Lindsay Harvey
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18 October 2022

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Background documents

Well-being of Future Generations (Wales) Act 2015 Assessment
Equalities Impact Assessment

Appendix 1

Site	Status	Comment
Ysgol Gymraeg Bro Ogwr site	PREFERRED OPTION	
Bridgend College	DISCOUNTED	Investment in non BCBC owned building, accommodation on first floor
Land near Newbridge fields	DISCOUNTED	Flood plain
Play area off Brackla Way	DISCOUNTED	Public open space
Pendre Community Centre (land)	DISCOUNTED	Poor location
Former Post Office, Court Road	DISCOUNTED	Cost of purchase
YMCA	DISCOUNTED	Cost of purchase
Brynteg/Heronsbridge sites	DISCOUNTED	Part of Band B proposals
Bridgend Resource Centre	DISCOUNTED	Fully utilised
Newbridge House	DISCOUNTED	Residential property
Litchard Cross Community Centre	DISCOUNTED	Childcare already operational
Penybont Primary school field	DISCOUNTED	English-medium school
Llangewydd Junior site	DISCOUNTED	English-medium school
Land adjacent to Bryntirion Comp	DISCOUNTED	Not BCBC owned
Evergreen hall	DISCOUNTED	Fully utilised
Ashfield Surgery site	DISCOUNTED	No longer available
Public Open Space at Cefn Glas Road	DISCOUNTED	Ecological issues
Innovation Centre	DISCOUNTED	Under refurbishment, likely high rental
Bridgend Life Centre	DISCOUNTED	No space available within the centre; flood plain issues

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

SCHOOL MODERNISATION

BRIDGEND WEST – MODIFICATION OF ENGLISH-MEDIUM SCHOOL OPENING DATE

1. Purpose of report

1.1 This report seeks 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.

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 As Cabinet will be aware, the Band B Strategic Outline Programme (SOP) was submitted to Welsh Government in July 2017, for which Cabinet approval was subsequently sought in October. Cabinet was presented with a report detailing the outcome of the Band B review and the revised SOP submission and gave approval to discontinue the original Band B schemes identified in the November 2010 Cabinet report, and approved the revised following Band B schemes:

- 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, Welsh Government gave 'approval in principle' for Bridgend's second wave of investment, which at that stage had an estimated programme envelope cost of £68.2m. Since then a number of amendments have been made to the capital budget, including to adjust for schemes now to be funded via the revenue-funded Mutual Investment Model (MIM) scheme. The latest adjustments to the capital budget were approved by Council on 20 July 2022, resulting in a revised capital programme budget for Band B of the School Modernisation Programme of £64.966m overall. Further costs, which are yet to be determined, may be required and these would be associated with additional infrastructure capacity.

3.3 In July 2018, the School Modernisation Programme Board and Cabinet/Corporate Management Board (CCMB) undertook a gateway review of a longlist of education and site options in relation to each of the proposed

schemes. Officers subsequently undertook a desktop evaluation of the resulting Bridgend West site shortlist.

3.4 School Modernisation Programme Board, at its meeting of 17 May 2019, considered the available education and site options in respect of the schemes proposed for the Bridgend West area. The School Modernisation Programme Board determined to recommend to CCMB the following:

- progression of detailed feasibility studies of the Valleys to Coast Marlas Estate site;
- progression of detailed feasibility studies of the Ysgol y Ferch o'r Sgêr/Cornelly Children's Integrated Centre/Corneli Primary site; and
- preferred education options of provision of a new-build, English-medium school on 'a' site (suitable for Afon y Felin and Corneli Primary Schools combined) and provision of a new build Welsh-medium school on 'a' site.

3.5 CCMB subsequently determined, at its meeting of 28 May 2019, the preferred way forward for Bridgend West area Band B schemes:

- progression of detailed feasibility studies of the Valleys to Coast Marlas Estate site;
- progression of detailed feasibility studies of the Ysgol y Ferch o'r Sgêr/Cornelly Children's Integrated Centre/Corneli Primary site;
- preferred education options of provision of a new-build, two form entry English-medium school on 'a' site (ie Marlas Estate site - suitable for Afon y Felin and Corneli Primary Schools combined) and provision of a new-build, two form entry Welsh-medium school on 'a' site (Ysgol y Ferch o'r Sgêr/Cornelly Children's Integrated Centre/Corneli Primary site - suitable for an enlarged Ysgol y Ferch o'r 'Sgêr); and
- Band B Bridgend West schemes to be progressed as MIM schemes.

3.6 Welsh Government, in November 2020, agreed BCBC's Strategic Outline Case (SOC) submission in respect of the proposal.

3.7 The necessary School Organisation Code statutory processes have been completed and Cabinet determined, on 22 June 2021, to proceed with the Bridgend West proposal as originally published (ie discontinue Corneli Primary School, Greenfield Terrace, North Cornelly, CF33 4LW and Afon Y Felin Primary School, Heol Y Parc, North Cornelly, CF33 4PA and establish a new English-medium primary community school to be maintained by Bridgend County Borough Council on land off Gibbons Way at Plas Morlais, with effect from 1 September 2023, and to make a regulated alteration to Ysgol y Ferch o'r Sgêr in the form of an enlargement with effect from 2 September 2024).

3.8 Heads of terms in respect of the land swap required for the scheme have been agreed with Valleys to Coast.

3.9 On 14 September 2021 Cabinet approved the submission of the Stage 1 MIM 'New Project Request' to Welsh Government.

4. Current situation/proposal

Mutual Investment Model

4.1 In November 2021, while drafting the 'New Project Request' documentation, Gleeds (the Welsh Government-appointed project management company for all MIM schemes) revisited the indicative construction programme originally provided by them at the time of the local authority's SOC submission to Welsh Government and the statutory consultation process under the School Organisation Code.

4.2 Since that time, Gleeds has revisited the programme. Their revised indicative programme is attached (Appendix 1) which details two alternate options for the delivery of the new schools.:

Option A

Construction of both schools simultaneously. Works would commence May/June 2023 and the school buildings be ready for occupation by September 2024. The remainder of the works (which would include the removal of the asbestos, demolition of the existing buildings and construction of the external pitches to the Corneli site) would then be completed by June 2025.

Option B

As per the original proposal to sequence the works. This would see the Marlas site (English-medium school) ready for occupation from September 2024 but the replacement Ysgol y Ferch o'r Sgêr (Corneli site) not being operational until April/May 2026.

4.3 Gleeds provided updated financial output models in respect of the revised scheme options (full financial output models are enclosed at Appendix 2). In summary, the revenue funded Annual Service Charge for the two options, to cover the cost of construction, maintenance and financing the project, based on current prices are as follows:

NPR Scenario	Marlas ASC (£'000s)	Corneli ASC (£'000s)	Total ASC (£,000s)	Welsh Government contribution (@ 81% IR) (£,000s)	BCBC contribution (£'000s)
Option A	1,203	864	2,068	1,675	393

Option B	1,203	885	2,088	1,691	397

4.4 BCBC's capital contribution towards fixed furniture and equipment, and ICT, based on current prices, would be circa £920k each for the two schemes, in addition to stage 1 design costs which are also treated as a one-off capital contribution, match funded at 65% by Welsh Government – this remains the same for both options A and B.

4.5 Given that the revised programme dates now differ significantly from those originally supplied and subsequently published in the statutory notice (the effective date of the English-medium school reorganisation in said notice being 1 September 2023 and the regulated alteration to Ysgol y Ferch o'r Sgêr in the form of an enlargement taking effect from 2 September 2024), Cabinet will need to consider the options as detailed in paragraph 4.2 of this report, and determine to modify the implementation date, as required by the School Organisation Code 2018.

4.6 The legislation allows an implementation date to be delayed by three years if the implementation of the proposals on that date or those dates would be unreasonably difficult, or that circumstances have so altered since the proposals were approved under section 50 or 51 or determined under section 53, that implementation of the proposals on that date or those dates would be inappropriate. In this case, Gleeds (who are the Welsh Government-appointed project management company for all MIM schemes) have provided the revised programmes because implementation of the proposals on the originally published dates would be unreasonably difficult.

4.7 The governing bodies of the directly affected schools (Afon Y Felin Primary School, Corneli Primary School and Ysgol y Ferch o'r Sgêr) have been consulted regarding the modification of the implementation date of the English-medium school reorganisation to September 2024 and the responses received are supportive (Appendix 3).

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, 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 total additional revenue costs (including the annual service charge) 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 local authority funding 19% of the annual costs, plus 35% of any up-front capital investment for stage 1 design, ICT, and furniture and equipment. A capital report was considered by Council on 20 July 2022 which increased the capital budget for Band B of the School Modernisation Programme overall and to fund additional capital costs for the MIM scheme. Consequently, the early estimate revenue cost figure detailed above is likely to change as the scheme develops.

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 Valleys to Coast has agreed to pay an additional £5k for Glan-yr-Afon based on the option deposit amount being lowered in exchange.

9. Recommendation

9.1 It is recommended that Cabinet:

- approves Option A as the preferred programme for delivery of the schools; and

- modifies the planned opening date of the new Bridgend West English-medium school to September 2024.

Lindsay Harvey
CORPORATE DIRECTOR - EDUCATION AND FAMILY SUPPORT
19 July 2022

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Background documents

Where appropriate, relevant papers are in the public domain

Line	Name	Duration	Start	Finish
1	**Bridgend**	**253w 3d**	**02/03/2021**	**29/04/2026**
2	**SOP Programme**	**7w 4d**	**02/03/2021**	**28/04/2021**
3	SOP Board Approval		02/03/2021	02/03/2021
4	Business Case Scrutiny	4w	02/03/2021	29/03/2021
5	Education Investment Panel (EIP)	3w 4d	30/03/2021	27/04/2021
6	Cabinet Sec approval of SOP		28/04/2021	28/04/2021
7	**Stage 0**	**20w**	**28/04/2021**	**20/09/2021**
8	Desk Top Surveys	6w	28/04/2021	10/06/2021
9	Site Surveys (Ecology, Asbestos, Geotechnetic)	11w	28/04/2021	15/07/2021
10	SSB (Site Specific Brief)	12w	28/04/2021	22/07/2021
11	SOA (Schedule of Accommodation	12w	28/04/2021	22/07/2021
12	SOC Submission		23/07/2021	23/07/2021
13	SOC WG Approval Process	8w	23/07/2021	17/09/2021
14	SOC Approval		20/09/2021	20/09/2021
15	**OBC & WEPCo Stage 1**	**40w 2d**	**23/07/2021**	**23/05/2022**
16	Draft NPR	6w	23/07/2021	03/09/2021
17	Submit NPR to WG		06/09/2021	06/09/2021
18	Review NPR (WG)	10w	06/09/2021	12/11/2021
19	Issue NPR to WEPCo		15/11/2021	15/11/2021
20	WEPCo Review NPR	4w	15/11/2021	10/12/2021
21	WEPCo accept project		13/12/2021	13/12/2021
22	WEPCo appoint design team		13/12/2021	13/12/2021
23	RIBA Stage 2	12w 2d	13/12/2021	22/03/2022
24	WEPCo Stage 1 Submission		23/03/2022	23/03/2022
25	LA & MIM Approval	3w 4d	23/03/2022	20/04/2022
26	LA Complete OBC	2w	21/04/2022	05/05/2022
27	WG Approval Process	2w 1d	06/05/2022	20/05/2022
28	OBC Complete		23/05/2022	23/05/2022
29	Stage 1 Complete		23/05/2022	23/05/2022
30	**FBC & WEPCo Stage 2**	**41w 4d**	**23/05/2022**	**28/03/2023**
31	RIBA Stage 3	12w 4d	23/05/2022	22/08/2022
32	RIBA Stage 3 Design Report		23/08/2022	23/08/2022
33	WG RIBA Stage 3 reviews		14/07/2022	11/08/2022
34	Prep PAC	3w	02/08/2022	22/08/2022
35	PAC Submission		23/08/2022	23/08/2022
36	PAC Review	3w 4d	23/08/2022	19/09/2022
37	PAC Report	1w	20/09/2022	26/09/2022
38	Issue SQ to market		28/06/2022	28/06/2022
39	Submit SQ	4w	28/06/2022	25/07/2022
40	Short list for ITT	2w	26/07/2022	08/08/2022
41	Issue ITT	4w 4d	09/08/2022	12/09/2022
42	Review ITT	2w	13/09/2022	26/09/2022
43	Preferred Tenderer Contractor		27/09/2022	27/09/2022
44	Contractor to finalise offer (Design, Programme & Cost)	12w	27/09/2022	19/12/2022
45	Planning Process	12w	27/09/2022	19/12/2022
46	Planning Conditions	12w 1d	20/12/2022	28/03/2023
47	RIBA Stage 4	12w	27/09/2022	19/12/2022
48	Update Financial model	2w	06/12/2022	19/12/2022
49	WEPCo End of stage 4 report		20/12/2022	20/12/2022
50	RIBA Stage 4 sign off		20/12/2022	20/12/2022
51	LA & MIM Approval	4w 1d	14/11/2022	30/01/2023
52	LA Complete FBC	2w	31/01/2023	13/02/2023
53	WG Approval Process	2w 2d	14/02/2023	01/03/2023
54	Stage 2 Approval		02/03/2023	02/03/2023
55	**Financial Close**	**14w 1d**	**20/12/2022**	**14/04/2023**
56	Final Project Agreements	12w 1d	20/12/2022	28/03/2023
57	Promissory Note Issued	2w	29/03/2023	13/04/2023
58	Financial Close		14/04/2023	14/04/2023
59	**RIBA Stage 5 (Option A)**	**107w 4d**	**14/04/2023**	**23/06/2025**
60	Mobilisation	6w 1d	14/04/2023	30/05/2023
61	Start on site		31/05/2023	31/05/2023
62	**Marlas (English)**	**62w 2d**	**31/05/2023**	**02/09/2024**
63	Construction	57w 3d	31/05/2023	26/07/2024
64	Client works	4w 4d	29/07/2024	30/08/2024
65	Open School		02/09/2024	02/09/2024
66	**Cornelly (Welsh)**	**101w 3d**	**31/05/2023**	**23/06/2025**
67	Construction	57w 3d	31/05/2023	26/07/2024
68	Client Works	4w 4d	29/07/2024	30/08/2024
69	Open School		02/09/2024	02/09/2024
70	Alter Hoardings	2w	29/07/2024	09/08/2024
71	School Term End		29/07/2024	29/07/2024
72	Asbestos Surveys & Reports	5w 4d	29/07/2024	06/09/2024
73	Asbestos Tender & Appoint	4w	09/09/2024	04/10/2024
74	HSE Notification Period	2w	07/10/2024	18/10/2024
75	Asbestos Removal	12w	21/10/2024	24/01/2025
76	Demolition	6w	27/01/2025	07/03/2025
77	Remaining Sports Pitches & External Works	14w 1d	10/03/2025	20/06/2025
78	Option A Works Complete		23/06/2025	23/06/2025
79	**RIBA Stage 5 Option B**	**85w 4d**	**29/07/2024**	**29/04/2026**
80	**Cornelly**	**85w 4d**	**29/07/2024**	**29/04/2026**
81	School Term End		29/07/2024	29/07/2024
82	Asbestos Surveys & Reports	5w 4d	29/07/2024	06/09/2024
83	Asbestos Tender & Appoint	4w	09/09/2024	04/10/2024
84	HSE Notification Period	2w	07/10/2024	18/10/2024
85	Asbestos Removal	12w	21/10/2024	24/01/2025
86	Demolition	6w	27/01/2025	07/03/2025
87	Construction of new School	52w	10/03/2025	31/03/2026
88	Client Works	4w	01/04/2026	28/04/2026
89	Option B Works Complete & School Open		29/04/2026	29/04/2026

Issued for Tender

Trades Contractor,Procurement Stages,Build Stages

Preconstruction | Construction | Milestone

Milestone Appearances

Start Milestone

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Batch 2 Unitary Charge and Affordability Analysis - by LEA/FEI

Pupil Numbers

Floor Area

LEA/FEI:	Bridgend CBC at 211102 Option A	
Total Pupil Numbers:	420	*pupils*
Total Floor Area:	2,386	*m2*

Forecast Annual Charge and Project Costs

Operations Commencement:	01-Sep-2024
Financial Year Commencing April	2024
Base Date	01-Apr-2021

Real figures (i.e. at April 2016 prices)

		per annum		*25 year life*
Base date annual charge (exc. VAT)	**£**	**864,600**	**£**	**21,615,000**
Assumed Welsh Government Intervention Rate		81%		
Welsh Government Grant Received	**-£**	**700,326**	**-£**	**17,508,150**
Net LEA contribution	**£**	**164,274**	**£**	**4,106,850**

Bridgend CBC at 211102 Option A - Stage 0 costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - Land costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - Stage 1 fee (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - FF&E/ICT costs	**£**	**723,672**
Participant capital requirement	**£**	**723,672**
Whole Life total cost	**£**	**4,830,522**

(assumed part-WG funded via 65% Intervention Rate)

Capital Costs		
Capital Expenditure	£	9,056,747
Project set up costs (Stage 0 / Stage 1)	£	-
FF&E/ICT	£	723,672
SPV Set Up Costs (inc. Stage 2 costs/fee)	£	-
net LEA Capital requirement	-£	253,285
net WG Capital requirement	-£	470,387
Costs for Funding	£	9,056,747

Operating Costs				
Base date maintenance (annual):	£	69,188	£	1,729,708
Base date lifecycle (average annual):	£	69,375	£	1,734,386
SPV Management and Admin costs	£	-	£	-
Total annual operating/maintenance costs	£	138,564	£	3,464,094

Nominal (i.e. cash figures)

		1st Year of operations, i.e. from January 20		*25 year life*
Unitary Charge				
Unindexed element		605,220		15,129,256
Indexed element		279,324		9,640,580
1st Year annual charge (exc. VAT)	**£**	**884,544**	**£**	**24,769,836**
Assumed Welsh Government Intervention Rate		**81%**		
Welsh Government Grant Received	**-£**	**716,481**	**£**	**20,063,567**
Net Local Education Authority Revenue contribution	**£**	**168,063**	**£**	**4,706,269**

Bridgend CBC at 211102 Option A - Stage 0 costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - Land costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - Stage 1 fee (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - FF&E/ICT costs	**£**	**837,769**
Participant capital requirement	**£**	**837,769**
Whole Life total cost	**£**	**5,544,038**

(assumed part-WG funded via 65% Intervention Rate)

Capital Costs		
Capital Expenditure	£	10,084,560
Project set up costs (Stage 0 / Stage 1)	£	-
FF&E/ICT	£	837,769
SPV Set Up Costs (inc. Stage 2 costs/fee)	£	-
net LEA Capital requirement	-£	293,219

net WG Capital requirement			-£	544,550
Costs for Funding			£	10,084,560
Operating Costs				
Nominal maintenance (annual):	£	102,872	£	2,571,788
Nominal lifecycle (average annual):	£	110,094	£	2,752,345
Nominal SPV Management and Admin costs (average annual)	£	-	£	-
Total annual operating/maintenance costs	£	212,965	£	5,324,132

Batch 2 Unitary Charge and Affordability Analysis - by LEA/FEI

Pupil Numbers

Floor Area

LEA/FEI:	Bridgend CBC at 211102 Option B	
Total Pupil Numbers:	420	*pupils*
Total Floor Area:	2,386	*m2*

Forecast Annual Charge and Project Costs

Operations Commencement:	30-Apr-2026
Financial Year Commencing April	2026
Base Date	01-Apr-2021

Real figures (i.e. at April 2016 prices)

		per annum		*25 year life*
Base date annual charge (exc. VAT)	**£**	**885,200**	**£**	**22,130,000**
Assumed Welsh Government Intervention Rate		81%		
Welsh Government Grant Received	**-£**	**717,012**	**-£**	**17,925,300**
Net LEA contribution	**£**	**168,188**	**£**	**4,204,700**

Bridgend CBC at 211102 Option B - Stage 0 costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option B - Land costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option B - Stage 1 fee (estimated)	**£**	**-**
Bridgend CBC at 211102 Option B - FF&E/ICT costs	**£**	**723,672**
Participant capital requirement	**£**	**723,672**
Whole Life total cost	**£**	**4,928,372**

(assumed part-WG funded via 65% Intervention Rate)

Capital Costs		
Capital Expenditure	£	8,642,043
Project set up costs (Stage 0 / Stage 1)	£	-
FF&E/ICT	£	723,672
SPV Set Up Costs (inc. Stage 2 costs/fee)	£	-
net LEA Capital requirement	-£	253,285
net WG Capital requirement	-£	470,387
Costs for Funding	£	8,642,043

Operating Costs				
Base date maintenance (annual):	£	66,419	£	1,660,466
Base date lifecycle (average annual):	£	66,600	£	1,665,011
SPV Management and Admin costs	£	-	£	-
Total annual operating/maintenance costs	£	133,019	£	3,325,477

Nominal (i.e. cash figures)

		1st Year of operations, i.e. from January 20		*25 year life*
Unitary Charge				
Unindexed element		619,640		14,869,662
Indexed element		300,457		9,737,891
1st Year annual charge (exc. VAT)	**£**	**920,097**	**£**	**24,607,553**
Assumed Welsh Government Intervention Rate		**81%**		
Welsh Government Grant Received	**-£**	**745,278**	**£**	**19,932,118**
Net Local Education Authority Revenue contribution	**£**	**174,818**	**£**	**4,675,435**

Bridgend CBC at 211102 Option B - Stage 0 costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option B - Land costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option B - Stage 1 fee (estimated)	**£**	**-**
Bridgend CBC at 211102 Option B - FF&E/ICT costs	**£**	**923,579**
Participant capital requirement	**£**	**923,579**
Whole Life total cost	**£**	**5,599,014**

(assumed part-WG funded via 65% Intervention Rate)

Capital Costs		
Capital Expenditure	£	10,325,706
Project set up costs (Stage 0 / Stage 1)	£	-
FF&E/ICT	£	923,579
SPV Set Up Costs (inc. Stage 2 costs/fee)	£	-
net LEA Capital requirement	-£	323,253

net WG Capital requirement			-£	600,326
Costs for Funding			£	10,325,706
Operating Costs				
Nominal maintenance (annual):	£	101,492	£	2,537,293
Nominal lifecycle (average annual):	£	105,690	£	2,642,251
Nominal SPV Management and Admin costs (average annual)	£	-	£	-
Total annual operating/maintenance costs	£	207,182	£	5,179,544

Batch 1 Unitary Charge and Affordability Analysis - by LEA/FEI

Pupil Numbers

Floor Area

LEA/FEI:	Bridgend CBC at 211102 Option A	
Total Pupil Numbers:	420	*pupils*
Total Floor Area:	2,500	*m2*

Forecast Annual Charge and Project Costs

Operations Commencement:	01-Sep-2024	
Financial Year Commencing April	2024	
Base Date	01-Apr-2021	

Real figures (i.e. at April 2021 prices)

		per annum		*25 year life*
Base date annual charge (exc. VAT)	**£**	**1,203,600**	**£**	**30,090,000**
Assumed Welsh Government Intervention Rate		81%		
Welsh Government Grant Received	**-£**	**974,916**	**-£**	**24,372,900**
Net LEA contribution	**£**	**228,684**	**£**	**5,717,100**

Bridgend CBC at 211102 Option A - Stage 0 costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - Land costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - Stage 1 fee (estimated)	**£**	**389,301**
Bridgend CBC at 211102 Option A - FF&E/ICT costs	**£**	**723,672**
Participant capital requirement	**£**	**1,112,973**
Whole Life total cost	**£**	**6,830,073**

(assumed part-WG funded via 65% Intervention Rate)

Capital Costs		
Capital Expenditure	£	8,159,301
Project set up costs (Stage 0 / Stage 1)	£	389,301
FF&E/ICT	£	723,672
SPV Set Up Costs (inc. Stage 2 costs/fee)	£	2,236,200
net LEA Capital requirement	-£	389,541
net WG Capital requirement	-£	723,433
Costs for Funding	£	10,395,501

Operating Costs				
Base date maintenance (annual):	£	72,494	£	1,812,351
Base date lifecycle (average annual):	£	72,690	£	1,817,253
SPV Management and Admin costs	£	182,000	£	4,550,000
Total annual operating/maintenance costs	£	327,184	£	8,179,604

Nominal (i.e. cash figures)

		1st Year of operations, i.e. from January 2(		*25 year life*
Unitary Charge				
Unindexed element		842,520		21,061,269
Indexed element		388,844		13,420,543
1st Year annual charge (exc. VAT)	**£**	**1,231,364**	**£**	**34,481,812**
Assumed Welsh Government Intervention Rate		**81%**		
Welsh Government Grant Received	**-£**	**997,405**	**£**	**27,930,268**
Net Local Education Authority Revenue contribution	**£**	**233,959**	**£**	**6,551,544**

Bridgend CBC at 211102 Option A - Stage 0 costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - Land costs (estimated)	**£**	**-**
Bridgend CBC at 211102 Option A - Stage 1 fee (estimated)	**£**	**389,301**
Bridgend CBC at 211102 Option A - FF&E/ICT costs	**£**	**837,769**
Participant capital requirement	**£**	**1,227,070**
Whole Life total cost	**£**	**7,778,615**

(assumed part-WG funded via 65% Intervention Rate)

Capital Costs		
Capital Expenditure	£	9,099,886
Project set up costs (Stage 0 / Stage 1)	£	389,301

FF&E/ICT			£	837,769
SPV Set Up Costs (inc. Stage 2 costs/fee)			£	2,236,200
net LEA Capital requirement			-£	429,475
net WG Capital requirement			-£	797,596
Costs for Funding			£	11,336,086
Operating Costs				
Nominal maintenance (annual):	£	107,787	£	2,694,664
Nominal lifecycle (average annual):	£	115,354	£	2,883,848
Nominal SPV Management and Admin costs (average annual)	£	271,463	£	6,786,568
Total annual operating/maintenance costs	£	494,603	£	12,365,081

Appendix 3

Consultation with Governing Bodies of Directly Affected Schools

TO: Chair of Governors Corneli Primary School, Chair of Governors Afon Y Felin Primary School, Chair of Governors Ysgol y Ferch o'r Sgêr

23/09/2022

Dear Governor

As you will be aware, during the 2020-2021 school year, the local authority undertook a statutory consultation process in respect of a proposal to provide new modern primary education facilities in the west of the county borough (Bridgend West Primary Schools Consultation).

In June 2021, the outcome of the statutory process was reported to Cabinet and it was determined to proceed with the Bridgend West proposal (that is, to discontinue Corneli and Afon Y Felin Primary Schools and to establish a new English-medium community primary on land off Gibbons Way at Plas Morlais, with effect from 1 September 2023, and to make a regulated alteration to Ysgol y Ferch o'r Sgêr in the form of an enlargement with effect from 2 September 2024).

The Welsh Education Partnership Company has progressed the design development for both schools (with input from the headteachers, school senior leaders and local authority officers), and Welsh Government is now in receipt of the report detailing the first stage of the process. Shortly, meetings will be arranged with governors, staff and pupils of the respective schools to share the initial designs.

As part of this development work, an in-depth review of the programme for delivering both schools has taken place. Due to the complexities regarding the development and construction, it is proposed to construct both schools simultaneously. Works would commence May/June 2023 and both the new school buildings would be ready for occupation by September 2024. The remainder of the works (which would include the removal of the asbestos, demolition of the existing buildings and construction of the external pitches to the Corneli site) would then be completed by June 2025.

Given that the revised programme date now differs from the statutory notice (the effective date of the English-medium school reorganisation in said notice being 1 September 2023 and the regulated alteration to Ysgol y Ferch o'r Sgêr in the form of an enlargement taking effect from 2 September 2024), there is a need to seek Cabinet approval to modify the implementation date for the English-medium school only. The recommendation is that the English-medium school opens in **September 2024**.

I should be grateful if the governing body could consider this matter and, through the chair, provide me with any views you may have by **29 September 2022 at the**

latest, so that your views can be referenced in the Cabinet report which will receive consideration on 18 October 2022.

May I take this opportunity to thank you for your support regarding this matter.

Yr eiddoch yn gywir/Yours sincerely

Annwyl Lywodraethwr

Fel y gwyddoch, yn ystod blwyddyn ysgol 2020-21, cynhaliodd yr awdurdod lleol ymgynghoriad ynghylch cynnig i ddatblygu cyfleusterau addysg gynradd newydd yng ngorllewin y fwrdeistref sirol (Ymgynghoriad ag Ysgolion Cynradd Gorllewin Pen-y-bont ar Ogwr).

Ym mis Mehefin 2021, cyflwynwyd adroddiad i'r Cabinet ar ganlyniad y broses statudol a phenderfynwyd bwrw ymlaen â'r cynnig ar gyfer Gorllewin Pen-y-bont ar Ogwr (hynny yw, cau ysgolion cynradd Corneli ac Afon y Felin a sefydlu ysgol fro cyfrwng Saesneg ar dir oddi ar Gibbons Way ym Mhlas Morlais, gyda'r bwriad o'i hagor ar 1 Medi 2023, a gwneud addasiadau rheoledig i Ysgol y Ferch o'r Sgêr, ar ffurf estyniad, erbyn 2 Medi 2024).

Mae Cwmni Partneriaeth Addysg Cymru wedi datblygu'r cynllun ar gyfer y ddwy ysgol (gyda chyfraniad gan benaethiaid, uwch arweinwyr yr ysgolion a swyddogion yr awdurdod lleol), ac mae Llywodraeth Cymru wedi cael adroddiad yn cynnwys manylion cam cyntaf y broses. Cyn bo hir, bydd cyfarfodydd yn cael eu trefnu â llywodraethwyr, staff a disgyblion yr ysgolion perthnasol i drafod y cynlluniau cychwynnol.

Fel rhan o'r gwaith datblygu hwn, cynhaliwyd adolygiad trylwyr o'r rhaglen i ddatblygu'r ddwy ysgol. Oherwydd y cymhlethdodau sydd ynghlwm wrth y datblygiad a'r gwaith adeiladu, cynigir adeiladu'r ddwy ysgol yr un pryd yn awr. Dylai'r gwaith ddechrau fis Mai/Mehefin 2023 a byddai'r ddwy ysgol yn barod i agor ym mis Medi 2024. Byddai gweddill y gwaith (gan gynnwys cael gwared ar asbestos, dymchwel yr adeiladau presennol ac adeiladu caeau allanol ar safle Corneli) yn cael ei gwblhau erbyn mis Mehefin 2025.

O gofio bod dyddiad y rhaglen ddiwygiedig yn awr yn wahanol i'r hyn a nodir yn yr hysbysiad statudol (sef y byddai'r ysgol cyfrwng Saesneg newydd yn agor ar 1 Medi

2023 ac y byddai'r addasiadau rheoledig i Ysgol y Ferch o'r Sgêr, ar ffurf estyniad, wedi'u cwblhau erbyn 2 Medi 2024), mae angen cymeradwyaeth y Cabinet i addasu dyddiad agor yr ysgol cyfrwng Saesneg yn unig. Yr argymhelliad yw i'w ysgol cyfrwng Saesneg agor **fis Medi 2024**.

Byddwn yn ddiolchgar pe bai'r corff llywodraethu'n' ystyried y mater hwn a, drwy'r Cadeirydd, yn anfon unrhyw sylwadau ataf erbyn **29 Medi 2022** fan bellaf, er mwyn cynnwys y rhain yn adroddiad y Cabinet a fydd yn cael ei drafod ar 18 Hydref 2022.

Hoffwn fanteisio ar y cyfle hwn i ddiolch i chi am eich cefnogaeth yn y cyswllt hwn.

Yr eiddoch yn gywir/Yours sincerely

Summary Responses Received:

Having had the opportunity to table the detail below at the meeting and discuss with Governors, I can confirm we have no major concerns in relation to the changing timescales. Given where we are now, we fully expected a delay to the planned opening times. We also accept that it will likely be more Commercially viable and have a greater impact in the community if the two schools were to open at the same time. (Chair of Governors, Corneli Primary School).

Thank you for your recent email concerning the above scheme. This was raised at our full governing body on Wednesday 28th of September and can concur that we are happy to accept the changes as scheduled and support for the works to commence as detailed in your email. Sincerely, yours. (Chair of Governors, Afon-y-Felin Primary School).

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CORPORATE DIRECTOR EDUCATION AND FAMILY SUPPORT

CHILDCARE SUFFICIENCY ASSESSMENT 2021 - 2022

1. Purpose of report

1.1 The purpose of this report is to inform Cabinet of the outcomes of the Childcare Sufficiency Assessment (CSA) and seek approval of the Gaps Analysis and Action Plan for submission to Welsh Government as part of the CSA 2021 - 2022.

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 This report provides information derived from Bridgend County Borough Council's Childcare Sufficiency Assessment (CSA) and fulfils the statutory duty in accordance with the Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016 made under Section 26 of The Childcare Act 2006 requiring local authorities to prepare assessments of the sufficiency of childcare provision (CSA) in their area every five years and to keep these under review. The Regulations require a full CSA and Action Plan to be submitted to Welsh Government five years after the first.

3.2 Section 22 of the Act requires local authorities to secure, as far as reasonably practicable the provision of childcare that is 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.'

3.3 The gaps analysis (Appendix 1) summarises the key results of the CSA and identifies gaps in provision across the county borough. The gaps analysis informs the five-year action plan (Appendix 2).

4. Current situation/proposal

4.1 Bridgend County Borough Council is meeting its statutory duty of providing sufficient childcare to working families. The CSA has, however, identified gaps in childcare provision and the availability of information. These gaps align with those identified by the local authority's Childcare Team, whose operational knowledge and expertise of the childcare sector is extremely well-informed.

4.2 As part of the statutory duty, the gaps analysis informs the five-year action plan. The plan will inform the priorities set out by the local authority's Early Years and Childcare Team, ensuring the local authority continues to meet its statutory duty. The action plan is reviewed annually.

5. Effect upon policy framework and procedure rules

5.1 This work sits within the statutory duties specified above as identified and supported by the Childcare Act 2006. There is no effect upon the 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

Long-term: as part of the statutory duty, the local authority must produce a five-year action plan. This is a relatively short-term and targeted plan but the long-term benefits for the families of Bridgend County Borough are at the centre of each action point and outcome.

Prevention: The action points will focus working priorities and pool resources to support the development and sustainability of childcare provision across the county borough.

Integration: The work that will be undertaken as a result of the CSA will support the well-being goals and objectives. The benefits outlined in the action plan illustrate the importance of sufficient childcare for all across the county borough.

Collaboration: The Early Years and Childcare Team works in partnership with many internal departments and external partners. These well-established partnerships support service delivery and the well-being goals of Bridgend County Borough Council.

Involvement: The successful completion of the CSA is reliant upon consultation with stakeholders. These include members of the public, such as families, children and childcare providers across all areas of the county borough.

8. Financial implications

8.1 Currently, the Childcare Team has a core revenue budget totaling £133,830. A proportion of this is allocated to grants in order to support new developments and sustain existing childcare provision. The Childcare Team manages the Childcare and Play Grant totaling £88,135. A proportion of this grant is ring-fenced to support childcare provisions to remain sustainable and support the development of new provisions in areas of identified need.

8.2 The two funding streams identified at paragraph 8.1 fund Childcare Team officers and the childcare sector training programme. This funding must continue at the same level in order to meet the targets identified in the Action Plan.

8.3 £70 million has been identified by Welsh Government to support the capital provision of funded two-year-old childcare over the next 2.5 years. Bridgend County Borough Council's allocation has not yet been confirmed, but once confirmed, will be reviewed to identify how it can support the gaps identified in the CSA.

9. Recommendation

9.1 It is recommended that Cabinet approve the gaps analysis and action plan (attached as appendices 1 and 2) for submission to Welsh Government as part of the Childcare Sufficiency Assessment 2021 - 2022.

Lindsay Harvey
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18 October 2022

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Background documents: None

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Appendix 1

Gaps Analysis

As part of the CSA, analysis is undertaken to establish gaps in childcare sufficiency. This is based upon parental, supply and demand data, consultation and all other key information identified by the completion of the full assessment.

As throughout the assessment, the following postcodes have been used throughout the document. The table below details the areas that fall into each post coded area:

CF31	Bridgend Town, Brackla, Coity, Pen-y-Fai
CF32	Cefn Cribwr, Laleston, Ogmore Vale, Tondu, Sarn, Ynysawdre, Pontycymer, Llangeinor, Garw Valley, Blaengarw, Blackmill, Bettws and Aberkenfig.
CF33	Cornelly and Pyle
CF34	Maesteg Town, Llangynwyd, Caerau, Nantyffyllon
CF35	Pencoed, Coychurch
CF36	Porthcawl, Nottage and Newton
CF39	Evanstown and Gilfach Goch

For the purposes of the report CF32 and CF39 information has been reported under CF32 data.

Some areas of Coity, including new development falls into CF35, but for the purposes of this report will be captured in CF31.

192 parents completed the parental survey. Key responses have informed the gaps analysis across a range of factors. These are:

- Affordability
- Welsh-medium provision
- Aytpical childcare
- Childcare during school holidays
- Childcare for children with additional needs
- Childminding provision
- After school and holiday provision
- Family Information

Please note that whilst a total of 192 parents responded to the survey, not all 192 responded to each question.

Other actions identified from the assessment are:

- Investigate geographical and type gaps
- Supporting workforce and development

To gain a sense of what may be preventing the use of childcare, respondents were asked why they do not use childcare for their children. 60 respondents gave the following reasons:

Statement	CF31	CF32/39	CF33	CF34	CF35	CF36	Overall
My child is on a waiting list for a provider and we are waiting for a place to become available	2					1	**4*** *one respondent did not provide postcode*
I use informal childcare such as a family member or friend					1		**1**
I choose not to access any childcare					1		**1**
I am a stay at home parent and have no need for childcare	1				1	2	**4**
My children are old enough to look after themselves	1						**1**
There is no childcare with sufficient quality	2	2	1		1	1	**7**
There is no suitable Welsh Language provision		1				2	**3**
No suitable provision in our language, which is neither Welsh nor English							**0**
The childcare available is not flexible enough for my needs	2	2	1	1		3	**9**
The cost of childcare is too expensive	14	4	2	4	7	5	**36**
Childcare times are unsuitable	2	2	1		1	3	**9**
There is no childcare available that is suitable for my child's age	2	3	2				**7**
There is a problem with transport					1		**1**
There is no childcare where I need it to be	5	5	2		1	1	**14**

There is no childcare that can cater for my child's specific needs	2						**2**
I only use childcare on an ad hoc basis and it is impossible to plan	2					1	**3**
Other	2	1			1	2	**6**

Of the 'other' statements, the below was provided:

'I use childcare all the time'

'One child goes to childcare. Our son who has additional needs cannot access the right care beyond the BASE unit'

'For children aged 11 plus there is a lack of age appropriate child care which qualifies for UC assistance'

'My baby does not need childcare for a few months yet'
'The main reason is the cost of childcare which is putting me in the position to hand on my notice in work because my wage doesn't cover the childcare required to do my job.'

'I am a childminder and as such do not require childcare for my own children.'

Childcare is deemed as too expensive for over half (60%) of those not using childcare. Of the 36 respondents who stated childcare was too expensive, the following was indicated as the household income and in the following wards:

Average weekly household income	**CF31**	**CF32/39**	**CF33**	**CF34**	**CF35**	**CF36**	**Total**
Up to £100					1		**1**
£100 - £149	1						**1**
£150 - £249	4			1			**5**
£250 - £349	1			1	1		**3**
£350 - £499							**0**
£500 - £580				1			**1**
£581 - £749	1	2	1				**5*** ***1 postcode not provided***
£750 - £999	3	1	1		1	2	**8**
More than £1000	1				2	1	**4**
Prefer not to say	1				2	2	**5**
Blank	2	1					**3**

88% of parents surveyed indicated that they ‘strongly agreed’ or ‘tended to agree’ with the statement that childcare is too expensive.

Conclusion: Affordability is a barrier to childcare. Improve information available to families on potential financial support.

Welsh-medium childcare provision.

When asked if they utilise Welsh-medium childcare, of the 131 who responded 5% answered ‘yes’ and 91% answered ‘no’.

Of the 122 who answered the further question of whether they would like to access Welsh-medium provision the following responses were received (with ward information provided):

Response	CF31	CF32/39	CF33	CF34	CF35	CF36	Total
Yes – 12%	7	2	2		3	1	15
Maybe – 18%	6	5	3		6	2	22

A further 66% answered ‘no’, with 4% stating ‘don’t know’.

Breaking this down further, when asked why they didn’t use Welsh-medium provision, 31 respondents gave the following reasons:

(Please note that some respondents opted for more than 1 reason)

Distance	CF31	CF32/39	CF33	CF34	CF35	CF36	Total
42%	5	2	2		2	2	13

Availability	CF31	CF32/39	CF33	CF34	CF35	CF36	Total
68%	7	5	2		5	2	21

Quality of care	CF31	CF32/39	CF33	CF34	CF35	CF36	Total
0%							

Staff language capacity	CF31	CF32/39	CF33	CF34	CF35	CF36	Total
16%	1		1		3		5

Cost	CF31	CF32/39	CF33	CF34	CF35	CF36	Total
16%	1		1		3		5

Additional comments were provided:

'*There is no Welsh childcare close to where I live. The Welsh school is fairly close but the cylch meithrin is much further. There are no Welsh day nurseries in Bridgend county - only cylchs which do not suit parents who work as they don't provide full day care.'* CF32 resident

'There are no private Welsh day nurseries in Bridgend. I know there are plans to build new settings by 2023 but none available now for my son. Cylch meithrin only have part time and I cannot get my child from one place to the other due to working full time' CF33 resident.

'Nothing around the area where I work so drop offs and picks up would be hard. However the child minder I use does use a little Welsh'
CF32 resident

'There is no childcare facility for children under 2 at present through the medium of welsh which is extremely disappointing.I would like to send my child to a full time childcare facility who deliver everything through the medium of welsh'
CF31 resident

'Many childcare settings do not cater for shift workers only the standard mon- friday worker'
CF35 resident

'I had no idea where or what Welsh childcare was available since my child attended childcare at the age of 1. I did not know where to find this information'
CF31 resident

'There is no cylch meithrin for miles and there are no Welsh speaking day nurseries in bridgend county - cylch meithrins don't offer long enough child care hours for working parents'
CF32 resident

'Sessions are too short and not flexible'
CF33 resident

Based on 66% of respondents indicating that they do not want to access Welsh-medium childcare there does not appear to be significant demand, or gaps.

However, 30% did indicate 'yes' or 'maybe' with lack of availability, distance and insufficient hours being the primary barriers.

Based on additional comments received from the parents/carer it appears that there is also a 'type' gap for full daycare in the county borough. This is indicated by the comments around the length of time existing provisions are currently open.

Conclusion: Welsh-medium provision should be increased, specifically full daycare. Further to parent/carer responses, the following geographical gaps have also been identified within the supply data: CF31, CF36 and CF39

Atypical childcare

Two respondents stated that early mornings would be useful due to shift work.

No overnight or weekend childcare is currently provided. None of the respondents indicated requiring this service in the future. This must be identified as a 'TYPE' gap across Bridgend.

Conclusion: Investigate further the demand for atypical childcare across the county borough

Childcare during school holidays

Overall, the majority of respondents (64%) were satisfied with the quality of childcare during the school holiday period, with 19% disagreeing. A significant number of respondents (20) were dissatisfied with childcare in CF31 during the school holidays, with a further seven in CF35.

Holiday childcare is well located across the county borough but is offered across a range of different 'types' of provision, including day nurseries, childminders and 'standalone' holiday out of school clubs. There are some geographical gaps, based across the Garw and Ogmore valleys (CF32 and CF39). However, the parent/carer survey indicated dissatisfaction within CF31 and CF35, of which there is more provision.

Conclusion: Explore the demand for holiday provision, identifying whether the gap is type and/or geographical.

Childcare for children with additional needs

Three respondents indicated that they struggled to access childcare due to their child's additional needs. Of the three, one had defined their child as autistic and lived in CF36. The remaining two were unspecific other than stating their child had additional needs. One lived in CF31 and the other CF35.

There has been a significant increase in children requiring additional support in their childcare provision. Support for the childcare sector in meeting the needs of children with ALN must continue and increase, where necessary. The partnership working across the Inclusion Service and the Early Years and Childcare Team is a strength upon which the additional support must build upon.

The Welsh Government should continue to work in partnership with Bridgend County Borough Council and review the Additional Support Grant for Bridgend to ensure that all eligible children continue to be supported by the Childcare Offer.

Conclusion: To ensure the needs of children with additional learning needs (ALN) can be met in childcare settings.

Childminding provision

The lack of childminders was specifically noted by eight respondents in the following areas: CF31, CF32 and CF35.

Geographical gaps have been identified in CF32/39, CF34, and CF36.

As noted throughout the CSA childminding numbers has declined over the last 5 years, and particularly throughout the pandemic.

Conclusion: Increase the number of childminders across the county borough, focusing on particular areas of need.
Investigate further the reasons for the decline and promote the career benefits of childcare, and in particular, childminding.

Availability of after school and holiday provision.

The lack of after school and holiday provision was specifically noted by 11 respondents in the following areas: CF31 (8 respondents), and one respondent from CF32, CF33 and CF36.

Conclusion: Explore the potential development of out of school childcare on school sites.

Family Information

Throughout the parent/carer survey, and other consultations, there arere indications that some respondents were not fully aware of information around childcare. This has been highlighted as a priority of Bridgend County Borough Council's Childcare Team and significant improvements have been made to the corporate Family Information Service. This will be an on-going priority as detailed in the Action Plan.

Conclusion: To improve the access to and quality of information available to families

Other notable considerations from parent/carers.

80% of 189 respondents indicated that they are satisfied with their childcare in term-time.
83% of 188 respondents agreed that their childcare is of high quality.

50% of 190 respondents agree that there is a good choice of childcare in their area, with 43% disagreeing.

69% of 189 respondents agree that childcare is well located, with 24% disagreeing,

78% of 188 respondents agree that their childcare caters for their children's needs.

38% of 189 respondents agree that childcare is a barrier to employment/training, with 34% disagreeing.

28% of 189 respondents agree that they know where to find out information on financial assistance for childcare, with 60% disagreeing.

130 respondents answered the question asking if childcare had caused any issues in the following:

Caused problems at work: 76%
Prevented continued employment: 27%
Stopped working: 25%
Stopped training: 21%

Conclusion: The majority of parents are satisfied with their childcare. The level of childcare across the county borough is generally sufficient to meet the needs of those families who are in employment or training with the intention to return to work. However, there are specific geographic and type gaps identified that require further investigation and development.

Workforce and Development

The childcare sector has had a tumultuous two years as a result of the pandemic. The workforce has, at times, become disenfranchised and felt undervalued. As a result of this, the retention and recruitment of childcare practitioners has become a national issue.

Childcare settings across Bridgend have indicated their concerns around on-going sustainability and staffing issues, along side the changes that COVID-19 has had on parental demand.

Conclusion: In order to sustain existing childcare provision, as well as developing new, support for the sector and workforce must continue and become more targeted. The sector must be equipped to meet the increased demand of the funded 2-year-old childcare.

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Appendix 2

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 1: To address potential unmet demand for childcare.					
	Issue	Actions	Who	Timescales	Desired Outcomes
1.1	A reduction in the number of practising childminders, with notable gaps in the CF32, CF34, CF36 and CF39 localities.	• Campaign materials produced and circulated to attract new entrants to consider childminding as a career. • Plan, advertise and run briefing session and promotion events in community spaces and careers fairs. • Approach childminders who have de-registered to explore what would tempt them back into the profession. • Ensure a high-quality and accessible programme of professional development is available to registered childminders. • Liaise with partner agencies such as PACEY and Welsh government to further inform recruitment and retention strategy on both a local and national level.	Childcare Team Manager to lead Childcare Team officers FIS officer	2022 – 2023 2022 - 2023 2022 – 2023 2022 – 2024 2022 – 2023	- The decline in childminder numbers is halted. - The overall number of childminders in Bridgend increases by 10%. - Families in all areas have the option of securing the services of a high-quality local childminder. - Improvements in grant availability, funded childcare and workforce development support the recruitment and retention of individuals into the profession.
1.2	Parental feedback indicates a deficit in wrap around / after school care in some areas	• Liaise with schools to investigate the extent of any deficits. • Engage with schools and wrap around providers to understand the barriers that currently prevent the development of after-school provision in areas where there is unmet demand. • Engage with school clusters and wrap around providers to explore options for developing sustainable after-school care services. • Review how best to support the sector in partnership with Clybiau Plant Cymru Kids' Clubs.	Childcare Team Manager to lead Childcare Team officers	2022 – 2023 2022 – 2023 2022 – 2023 2022 – 2023	- A clear picture emerges of any geographical locations there is unmet demand for after school care - This intelligence allows for discussion with schools, out of school providers and childminders about the viability of offering this service. - After school clubs are available in the geographical where they are needed - In areas where there is less demand, childminders / nursery pickup are recruited to offer this service.

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Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 1: To address potential unmet demand for childcare.					
	Issue	Actions	Who	Timescales	Desired Outcomes
		• Work with Welsh Government representatives to highlight sector challenges and explore possibilities for improved funding and subsidies.		2022 – on-going	
1.3	Waiting lists and parental feedback indicate that there may be a gap in appropriate childcare options during school holidays, particularly for slightly older children (KS2/KS3) and notably in the CF31 and CF35 areas.	• Further investigate this by contacting all existing holiday provisions to establish the ages of children that attend. • Analyse this information to establish any patterns as to where younger and older children are placed. • Carry out an additional parental survey (through schools?) to explore their perception that there aren't sufficient childcare options during the school holidays. • Review how best to support the sector in partnership with Clybiau Plant Cymru Kids' Clubs. • Engage with schools to explore the possibility of running holiday clubs on site. • Engage with specialist providers (eg forest school practitioners, sports clubs, etc with a view to developing holiday care that may appeal more to the parents of older children).	Childcare Team Manager to lead Childcare Team officers FIS officer	2022 – 2023 2022 – 2023 2022 – 2023 2022 – on-going 2022 – 2024 2022 - 2023	- A clear picture emerges of the age of children accessing childcare in the school holidays. - Parental survey provides feedback around the barriers to finding appropriate holiday time childcare that have been experienced in our community. - Any unmet demand is identified. - Liaison with local partners leads to the development of additional holiday care provision.
1.4	New housing developments could place pressure on existing childcare	• Regularly liaise with existing childcare provisions in these areas to monitor the impact of housing development on the availability of childcare.	Childcare Team Manager to lead	2022 – 2023 2022 – 2024	- The Childcare Team remains abreast of housing development plans across the county borough and can communicate up to date information

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Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 1: To address potential unmet demand for childcare.					
	Issue	Actions	Who	Timescales	Desired Outcomes
	provisions in the following areas: Tondu (CF32) Coity (CF31/35) Maesteg (CF34)	• Develop improved links with the planning department to highlight the impact on childcare of any future planning decisions and to negotiate the addition of buildings to accommodate childcare where there is particularly strong demand. • Support existing providers to expand if there is increased demand. • Share childminder recruitment literature through housing associations and sales offices to target new tenants and homeowners.	Childcare Team officers FIS officers	2022 – 2025 2022 - 2023	on the likely impact of planning decisions. - Positive working relationships with planners and developers supports the expansion of childcare provision in areas where new developments create demand. - There are sufficient childcare places to meet demand in areas where new housing development takes place.
1.5	There are very few childcare provisions in the following areas: CF32 CF39	• Establish whether there is sufficient demand for childcare provision in the identified areas by carrying out targeted parental and employee surveys. • Analyse survey results to ascertain levels of demand and whether this is sufficient to make it sustainable for a childcare provider to operate. • Where demand is sufficient, establish the type of providers that are best placed to operate in each area. • Take further action as appropriate (eg childminder recruitment, identifying suitable sites for a day nursery, applying for capital grants, etc)	Childcare Team Manager to lead Childcare Team officers	2022 – 2023 2022 – 2023 2022 – 2024 2022 - 2024	- A clear, up to date picture emerges highlighting current levels of demand for childcare in locations that currently have little or no availability. - A strategy, based on the findings of the investigative work is drawn up for each geographical locality where there is shown to be unmet demand.
1.6	There is a small, but growing need for childcare at atypical hours (ie Before 7am,	• Carry out a targeted parental survey through local employers that operate outside of typical childcare hours (hospitals, the police force, hospitality,	Childcare Team Manager to lead	2022 – 2023	- The investigation work establishes the extent of the demand for atypical childcare.

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Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 1: To address potential unmet demand for childcare.					
	Issue	Actions	Who	Timescales	Desired Outcomes
	after 6pm, overnight and at weekends) to support the working patterns of parents.	factories, etc.) to gather more information on the demand for atypical provision. • Encourage new and existing childminders to consider offering additional flexibility. • Support childminders who offer atypical hours with marketing to ensure parents are aware of this service. • In line with likely demand, develop a long-term strategy to maintain an appropriate level of atypical provision.	Childcare Team officers FIS officer	 2022 – 2024 2022 – 2024 2022 - 2025	- Where there is demand, the childcare team is successful in identifying providers who are willing and able to provide this service.

Appendix 2

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 2: To ensure the sector is equipped to meet increased demand for places that the roll out of universal childcare for all two-year-olds will bring.					
	Issue	Actions	Who	Timescales	Desired Outcomes
2.1	A sharp increase in demand for places may mean there is insufficient capacity to offer all eligible children a place.	• Use of available information to predict the number of children who will require a place as part of the expansion. • Complete audit on childcare provisions to establish number of vacancies for 2-year-olds. • Early identification of suitable childcare providers and discussions initiated around commissioning possibilities. • If necessary, develop a strategic capital programme plan in partnership with Flying Start to develop new provision / extend current provision to support increased demand.	Childcare Team Manager to lead In partnership with Flying Start Operational Manager Early Years and Childcare Team Manager to oversee	2022 – 2024 2022 – 2023 2022 – 2024 2022 - 2025	- A review of all childcare providers across Bridgend determines which could be suitable to offer places to newly eligible 2-year-olds. - The majority of existing childcare providers sign up to become Flying Start registered and are able to meet the standards required. - Should additional capacity be required, the childcare team make appropriate use of capital funding to support existing providers to expand and new providers to set up. - All 2-year-olds are offered a childcare place within defined timescales.
2.2	Some settings could be reluctant to register as 'Flying Start' settings and may lose children as a result.	• Support the choices of childcare settings, whilst promoting the benefits of providing 2-year-old funded childcare. • Reassure and support those with concerns of the benefits of offering funded 2-year-old provision. • For those who choose not to provide 2-year-old childcare, continued support from the team to support sustainability and access to training.	Childcare Team Manager to lead Childcare Team officers	2022 – 2024 2022 – 2024 2022 – 2024	- Contact is made with all existing providers and a meeting held to highlight the opportunity and allow for providers to ask any questions they have. - The majority of existing childcare providers sign up to become Flying Start registered. - Support given, where appropriate to support the sustainability of providers who are not able to sign up.
2.3	A need to support settings, including the childminding sector to	• Literature produced highlighting expectations around quality practice for Flying Start settings.	Childcare Team	2022 – 2023	- Providers feel well supported to make adaptations to their policy, provision

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 2: To ensure the sector is equipped to meet increased demand for places that the roll out of universal childcare for all two-year-olds will bring.					
	Issue	Actions	Who	Timescales	Desired Outcomes
	adopt 'Flying Start' standards in readiness for the roll out	• Work with WG to offer a comprehensive training package / grant to raise qualifications where necessary • Offer a package of support, both advisory and financial to support settings to make any necessary adaptations.	Manager to lead Flying Start Operational Manager in partnership Welsh Government to support financial implications	2022 – 2024 2022 - 2025	and practice in readiness to receive funded two-year-olds. - Parity of quality across the Early Years sector achieved. - Available and sustainable childcare for 2-year-olds across Bridgend County Borough Council.
2.4	Decisions around capital expenditure	• Establish a working group to develop a strategic plan to complement WG's capital programme • Ensure the CSA annual reviews are reflected in strategic plans for capital developments	Early Years and Childcare Team Manager to lead Childcare Team Manager and Flying Start Operational Manager to support	2022 – 2023 and on-going 2022 – 2023 and annually	- Strategic childcare development to support the rollout of funded 2-year-old childcare, and fill the gaps identified in the CSA. - Supporting working families with increased childcare options.
2.5	Recruitment and retention of childcare staff	• Continue to attend WG Workshops and meetings around the on-going challenges	Childcare Team Manager	2022 – 2024	- BCBC representation is secured on all relevant national working parties.

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 2: To ensure the sector is equipped to meet increased demand for places that the roll out of universal childcare for all two-year-olds will bring.					
	Issue	Actions	Who	Timescales	Desired Outcomes
		• Develop a BCBC workforce development plan that complements the 10-year plan set out by WG • Work closely with local FE and HE partners to promote childcare courses • Work closely with FIS officer in the promotion of childcare as a career • Develop promotional materials relating to childcare as a career • Work with childcare settings to establish specific reasons, if known, for the on-going challenges.	Early Years and Childcare Team Manager to lead on plan Childcare Team Manager, in partnership with Foundation Phase Support Officers FIS officer Welsh Government to support strategically	2022 – 2024 2022 – 2024 2022 – 2023 2022 – 2023 2022 - 2023	- A comprehensive strategy for growing and developing the local workforce is drawn up, based a combination of local knowledge and national strategy. - Improved opportunities for professional development are developed. - Clearer career progression pathways for the sector are identified. - The numbers of students registering on childcare training courses increases year-on year. - Better retention rates in settings and within the sector itself are achieved.
2.6	Further pressure on setting managers as a result of another income stream to manage	• Continue to work with Welsh Government to support the childcare sector in delivering against the variety of childcare support grant streams. • Continue to be the voice of the childcare sector across Bridgend by attending WG meetings	Childcare Team Manager to lead	2022 – 2023 and on-going 2022 – 2023 and on-going	- Childcare settings are aware of all grants available to them and their families. - Managers are clear who and where to claim funding from within BCBC and WG and confident in their knowledge of grant streams.

Appendix 2

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 2: To ensure the sector is equipped to meet increased demand for places that the roll out of universal childcare for all two-year-olds will bring.					
	Issue	Actions	Who	Timescales	Desired Outcomes
		• Childcare Team Development Officers support childcare settings with aspects of grant streams • Feedback to WG when possible	Childcare Team officers	2022 – 2024 2022 – 2023 and on-going	- Managers report feeling informed and well-supported by the childcare team.

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 3: To increase the number of Welsh-medium childcare places.					
	Issue	Actions	Who	Timescales	Desired Outcomes
3.1	There are gaps in provision in the CF31, CF32 and CF35 areas with parental feedback suggesting a level of unmet demand for full daycare and more flexible childcare options.	• Identify any expansion opportunities with existing Welsh-Medium provisions in the area. • Explore with successful Welsh-Medium providers from other areas the possibility of opening a new site in areas where there is unmet demand. • Engage with and support any unregistered Welsh-Medium providers in these areas to register with CIW and extend their services to incorporate full daycare. • Identify support packages to encourage registration. • Develop a campaign, with Welsh language partners, to attract Welsh-speakers to consider childminding as a career. • Consider use of the Welsh Government's capital development programme to bring potential sites up to the correct standard for registration.	Childcare Team Manager to lead Childcare Team officers Work in partnership with Mudiad Meithrin Early Years and Childcare Team Manager, Childcare Team Manager and Flying Start Operational Manager to work across capital programme	2022 – 2024 2022 – 2024 2022 – 2024 2022 – 2023 2022 – 2024 2022 – 2025	- Any unregistered settings become registered with CIW. - Additional Welsh-medium places are secured to sufficiently meet existing demand.

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Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 3: To increase the number of Welsh-medium childcare places.					
	Issue	Actions	Who	Timescales	Desired Outcomes
3.2	There are gaps in provision in the CF36 and CF39 areas, but demand in these areas is less clear.	• Consult with parents in these areas to ascertain the demand for Welsh-Medium childcare provision. • Partnership working with Mudiad Meithrin to help assess demand. • Develop an appropriate response to the findings of the consultation.	Childcare Team Manager to lead Childcare Team officers	2022 – 2023 2022 – 2023 2022 - 2026	- A clearer picture of whether there is demand for childcare through the medium of Welsh in these locations emerges. - If demand exists, suitable sites and providers are identified and / or childminders recruited. - Sufficient places are created to meet demand.
3.3	There are four Welsh-medium childcare capital-build projects in development and providers need to be identified for all.	• Joint campaign of awareness of these opportunities with WEF partners. • Promotional activities and events to showcase the new settings to potential providers. • A period of time offered rent-free whilst business establishes • Encourage existing Welsh-medium providers to consider expanding to new sites.	Early Years and Childcare Team Manager and Childcare Team Manager Childcare Team and FIS officers	2022 – 2024 2022 – 2023 2022 – 2023 2022 - 2023	- Recruitment campaign identifies a suitable provider to operate from each of the new Welsh-medium buildings. - Additional Welsh-medium childcare places are created, in line with targets set out in the WESP.
3.4	The low number of Welsh-speakers in Bridgend CBC contributes to recruitment and retention issues for Welsh-medium provisions in the childcare sector	• Strengthen partnership with Bridgend College to support the development of childcare courses through the medium of Welsh. • Partnership work with Bridgend College, Ysgol Gyfun Gymraeg Llangynwyd and community groups to promote childcare as a career to Welsh-speakers.	Childcare Team Manager to lead Childcare Team officers	2022 – 2024 2022 – 2024	- There is sufficient uptake to merit running childcare courses through the medium of Welsh. - The Welsh-speaking childcare workforce grows sufficiently to meet the increased demand resulting from the expansion of Welsh-medium childcare places.

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Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 3: To increase the number of Welsh-medium childcare places.					
	Issue	Actions	Who	Timescales	Desired Outcomes
		• Liaison with Welsh Government to explore recruitment and retention initiatives to attract Welsh-speakers into childcare, and to retain those already in post.		2022 – 2023	

Appendix 2

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 4: To ensure the needs of children with Additional Learning Needs (ALN) can be met in childcare settings.					
	Issue	Actions	Who	Timescales	Desired Outcomes
4.1	There is an on-going need to raise awareness across the sector of The ALNET Act, and the responsibilities it places on providers.	• Continued expectation that all practitioners in Flying Start and funded non-maintained settings access the four core ALN modules. • Active promotion of the Early Years ALN Training programme. • Further development of the ALN handbook, and an event planned to mark its launch – an opportunity to highlight statutory duties.	Early Years and Childcare Team Manager, Flying Start Operational Manager, Childcare Team Manager Foundation Phase Support Officers	2022 – 2023 2022 – 2023 and on-going 2022 – 2023 and on-going	- All childcare providers understand and meet their statutory duties in regard to The ALNET Act.
4.2	There is an on-going need for training across the sector to ensure that practitioners are equipped to offer high-quality support to children with additional needs.	• Gather information and analyse the types of needs children are presenting with and consult with settings to ascertain the support and training that would be most helpful. • Liaise with Early Years advisory teachers, Educational Psychology team, Speech and Language team and the Early Years ALN team to ensure that the support and training offered matches the requirements of settings.	Early Years and Childcare Team Manager, Childcare Team Manager in partnership with Inclusion.	2022 – 2023 and on-going on a yearly basis 2022 – 2023 and on-going on a yearly basis	- The training programme aligns with the needs of settings. - Practitioners in settings are signposted to appropriate training sessions. - Training sessions are well attended.

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 4: To ensure the needs of children with Additional Learning Needs (ALN) can be met in childcare settings.					
	Issue	Actions	Who	Timescales	Desired Outcomes
			Foundation Phase Support Officers		
4.3	Informal feedback suggests that parents of children with ALN and/or disabilities experience difficulty finding suitable childcare during school holidays.	• Explore the barriers that prevent families accessing holiday club provision for their children with Additional Learning Needs. • Consult with providers as to their policy around admitting children with ALN to their service. • Explore how the sector can be supported to develop more inclusive practices (eg training opportunities, additional funding). • Ensure relevant information is available on the FIS website to parents of children with ALN.	Childcare Team Manager to lead Childcare Team officers Foundation Phase Support Officers Partnership with Inclusion FIS officer	2022 – 2023 2022 – 2023 2022 – 2024 2022 – 2023 and on-going	- Appropriate training opportunities are accessed by practitioners from holiday care settings. - More inclusive environments and practices support more children with additional learning needs to attend. - Financial support enables holiday care settings to operate with enhanced ratios, supporting the attendance of more children with additional learning needs.
4.4	In recent years there has been sharp increase in the number of children in Early Years settings presenting with emerging needs.	• Through training and support, ensure that all practitioners in all settings have sufficient knowledge and skill to be able to meet the needs of the vast majority of children through universal high-quality practice.	Early Years and Childcare Team Manager	2022 – 2024 2022 – 2023	- Practitioners attend training to support their understanding of how best to meet the needs of children in their setting – both through universal and targeted support - Outreach work supports settings to ensure their environment is fully

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 4: To ensure the needs of children with Additional Learning Needs (ALN) can be met in childcare settings.					
	Issue	Actions	Who	Timescales	Desired Outcomes
		• Carry out a review of the process by which applications for financial support are made to the childcare team. • Carry out a review of the process by which funding decisions are made to ensure that available funding is most appropriately targeted. • Ensure that all funded children receive regular reviews of their progress against targets, so that packages of support can be adapted as necessary. • Maintain awareness of presenting trends and liaise with Welsh Government to secure appropriate levels of funding to meet the ALN needs of Early Years children across Bridgend CBC.	Childcare Team Manager Foundation Phase Support Officers Childcare Team officers	2022 – 2023 2022 – 2023 2022 - 2023	inclusive and to develop and improve their ALN offer. - The needs of children with emerging needs are met. - The most appropriate use is made of available funding to support children with emerging needs.
4.5	Further consideration of the need for specialist childcare provision	• Consultation with parents of children with more complex needs as to their experience of securing daycare, after school care and holiday care. • Ascertain the level of need for such services to support parents of children with complex needs to return to work should they wish to. • Carry out an analysis on the cost of providing a place for a child with complex needs. • Where a need is identified, liaise with Welsh Government colleagues with a view to securing sufficient funding to	Childcare Team Manager to lead	2022 – 2023 2022 – 2023 2022 – 2024 and on-going	- A clearer understanding of the extent to which this provision might be required is achieved. - Where there is a requirement a suitable funding stream to subsidise places is identified. - Suitable providers identified. - Parents of children with complex needs are able to return to work if they choose to.

Appendix 2

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 4: To ensure the needs of children with Additional Learning Needs (ALN) can be met in childcare settings.					
	Issue	Actions	Who	Timescales	Desired Outcomes
		subsidise the cost of providing places in childcare settings or with childminders.			

Appendix 2

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 5: To improve the access to and quality of information available to families.					
	Issue.	Actions	Who	Timescales	Desired Outcomes
5.1	The availability of up-to-date information	• Recruitment of Family Information Service (FIS) officer to take overall responsibility for this area of work, including improvements to the website, and ensuring all information remains current and up to date. • Re-establish expectation for all registered settings to register with FIS and keep their accounts up to date. • Re-establish presence at community events where the FIS website can be promoted, and information shared in paper copy for those who prefer to access that way. • Ensure the childcare information line is always manned during office hours.	Childcare Team Manager to lead FIS officer Childcare Team officers	2022 – 2023 2022 – 2023 2022 – 2024 2022 - 2023	- Families are aware of the FIS website page as a first port of call for information. - All partner agencies regularly update the FIS Officer as to developments, changes and additions to their service. - The FIS officer makes timely changes to the FIS website to ensure that the information it contains remains current. - In addition to the website, alternative means of communicating information are well utilised (hard copies, in-person events, telephone helpline). - Feedback suggests that the vast majority of users find the information they are looking for on the website.
5.2	The range of childcare options and pathways is complex and many parents report difficulty in understanding existing information.	• Create a series of user-friendly infographics to illustrate and explain the childcare choices open to families at different times. • Test the quality of the information with users in the community and use their feedback to improve the quality of the information. • Timetable regular drop-in sessions in community hubs where members of the childcare team are available to answer questions and support families with childcare applications. • Ensure practitioners in settings understand the different options so that	FIS officer Childcare Team officers	2022 – 2024 2022 – 2024 2022 – 2023 2022 - 2024	- A well-designed set of resources explaining different childcare options and pathways is produced. - Users provide feedback that the information is clear, jargon free and has helped them understand their options and make the best choice for their family circumstances.

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 5: To improve the access to and quality of information available to families.					
	Issue.	Actions	Who	Timescales	Desired Outcomes
		they are able to answer any parental queries that arise.			
5.3	A large proportion of families report concerns around the affordability of childcare.	• Ensure FIS website and hard copy leaflets highlight the financial benefits of The Childcare Offer. • Encourage and support settings to set up systems to accept childcare vouchers from parents' workplaces. • Ensure information around support with childcare is maintained and up to date on the website. • Timetable regular drop-in sessions in community hubs where members of the childcare team are available to answer queries around the cost of childcare and offer appropriate signposting to sources of support.	Childcare Team Manager FIS officer Childcare Team officers	2022 – 2023 2022 – 2023 2022 – 2023 and on-going 2022 – 2023 and on-going	- A dedicated section of the FIS website clearly presents the different options available to families that can support them with the cost of childcare. - Partner agencies support families in signposting this information and the drop-in information settings. - More settings register to accept childcare vouchers.

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 6: Support for the Sector and workforce development.					
	Issue	Actions	Who	Timescales	Desired Outcomes
6.1	Current uncertainty around national plans for workforce development across the sector	• Actively seek opportunities to continue to be part of Welsh Government workforce development working parties that exist to inform future policy and practice. • Present the challenges and needs of Bridgend's settings at national level and offer possible suggestions and solutions. • Devise a local Early Years and Childcare workforce strategy, in a timely manner, informed by discussions had at a national level.	Early Years and Childcare Team Manager, Childcare Team Manager to lead Foundation Phase Support Officers Childcare Team officers	2022 – 2023 2022 – 2023 and on-going 2022 – 2024	- A robust and coherent local workforce development plan is developed to guide this aspect of the Childcare Team's work in support of the sector.
6.2	The current financial climate is a cause of financial hardship for the childcare sector and has made providers cautious about taking on expansion opportunities.	• Support sustainability and extension of childcare settings through available grants, such as Childcare and Play, and RSG • Offer funded and subsidised training across the sector • Support settings who wish to expand via WG's capital programme	Childcare Team Manager to lead Childcare Team officers FIS officer	2022 – 2024 2022 – 2023 2022 – 2025	- Grants are allocated appropriately to support sustainability, meaning that settings remain operational. - Grants are allocated appropriately to support providers to expand into areas where demand exists.

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 6: Support for the Sector and workforce development.					
	Issue	Actions	Who	Timescales	Desired Outcomes
		• Ensure accurate information available to parents to remove affordability as a potential barrier to childcare	Partnership with Flying Start Operational Manager	2022- 2023 and on-going	
6.3	Wide-ranging reform of Early Years and Education policy requires a comprehensive programme of training to support the childcare sector to implement new changes.	• Liaise with colleagues across the Early Years and Childcare team to produce a yearly training offer. • Work closely with advisory teachers to ensure that the training accessed by practitioners impacts positively on their work with children and families. • Consult with the sector and use available data to ensure that training offer evolves to meet the emerging needs of the sector.	Early Years and Childcare Team Manager to lead All Early Years and Childcare Team officers to support	2022 – 2023 and on-going 2022 – 2024 2022 – 2024	- The training offer aligns with the needs of settings. - Practitioners in settings are signposted to and attend appropriate training sessions. - Training and development opportunities impact on the quality of provision in settings and on outcomes for children.
6.4	New entrants into the childcare profession are down locally, at a time when many providers are highlighting recruitment and retention of suitably qualified staff is of significant concern.	• Strengthen partnership with Bridgend College to support the promotion of childcare courses offered to school leavers. • Partnership work with local secondary schools and careers advisers to promote the possibility of childcare to school leavers. • Attendance at careers fairs, promoting childcare as a potential career. • Liaison with Welsh Government to explore recruitment and retention	Childcare Team Manager to lead Childcare Team officers FIS officer	2022 – 2024 2022 – 2024 2022 – 2023 and on-going	- A comprehensive strategy for growing and developing the local workforce is drawn up, based a combination of local knowledge and national strategy. - Improved opportunities for professional development are developed. - Clearer career progression pathways for the sector are identified. - The numbers of students registering on childcare training courses increases year-on year.

Childcare Sufficiency Assessment 2021 – 2022
Five-year Action Plan

Priority 6: Support for the Sector and workforce development.					
	Issue	Actions	Who	Timescales	Desired Outcomes
		initiatives to attract new entrants into childcare, and to retain those already in post. • Liaison with Welsh Government to establish more attractive opportunities for continued professional development and career development in the childcare sector.		2022 – 2023 and on-going 2022 – 2024	- Better retention rates in settings and within the sector itself are achieved.
6.5	There is an ongoing need to provide continued COVID recovery support to settings, but funding to support this is likely to reduce significantly.	• Continue to support the sector with any grants that do remain available. • Consult with providers to monitor the on-going impact on COVID-19 on their business, and represent these challenges in meetings with Welsh Government colleagues. • Consult with CWLWM partners to establish evolving changes to parental working patterns influencing the childcare market and share this information with providers to help them plan.	Childcare Team Manager to lead Childcare Team officers FIS officer	2022 – 2023 2022 – 2023 2022 - 2023 and on-going 2022 – 2023 and on-going	- Any funding available is allocated appropriately to support sustainability, meaning that settings remain operational.

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER – FINANCE, PERFORMANCE AND CHANGE

BUDGET MONITORING 2022-23 – QUARTER 2 REVENUE FORECAST

1. Purpose of report

1.1 The purpose of this report is to provide Cabinet with an update on the Council's revenue financial position as at 30 September 2022.

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. **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.

3. Background

3.1 On 23 February 2022, Council approved a net revenue budget of £319.510 million for 2022-23 based on the provisional local government settlement received from Welsh Government on 21 December 2021. The Welsh Government announced its final settlement on the 1 March 2022 and as a result of a technical adjustment, there was an increase in the Revenue Support Grant (RSG) for the Council of £4,336, increasing the net revenue budget for 2022-23 to £319.514 million. As part of the Performance Management Framework, budget projections are reviewed regularly and reported to Cabinet on a quarterly basis. The delivery of agreed budget reductions is also kept under review and reported to Cabinet as part of this process.

4. Current situation/proposal

4.1 Summary financial position at 30 September 2022

4.1.1 The Council's net revenue budget and projected year end spend for 2022-23 is shown in Table 1 below.

Table 1- Comparison of budget against projected year end spend at 30 September 2022

Directorate/Budget Area	Original Budget 2022-23 £'000	Revised Budget 2022-23 £'000	Projected Year end spend Q2 2022-23 £'000	Projected Over / (Under) Spend 2022-23 £'000	Projected Over / (Under) Spend Qtr 1 2022-23 £'000
Directorate					
Education and Family Support	131,430	132,319	132,102	(217)	407
Social Services and Wellbeing	78,434	82,327	89,826	7,499	1,548
Communities	28,995	29,851	29,325	(526)	(459)
Chief Executive's	21,895	22,515	21,857	(658)	(607)
Total Directorate Budgets	**260,754**	**267,012**	**273,110**	**6,098**	**889**
Council Wide Budgets					
Capital Financing	7,329	7,291	6,853	(438)	0
Levies	8,177	8,210	8,210	0	0
Apprenticeship Levy	650	650	650	0	0
Council Tax Reduction Scheme	16,054	16,054	15,154	(900)	(754)
Insurance Premiums	1,363	1,363	1,225	(138)	0
Repairs & Maintenance	670	670	470	(200)	0
Pension Related Costs	430	430	430	0	0
Other Corporate Budgets	24,087	17,834	16,845	(989)	(880)
Total Council Wide Budgets	**58,760**	**52,502**	**49,837**	**(2,665)**	**(1,634)**
Total	**319,514**	**319,514**	**322,947**	**3,433**	**(745)**

4.1.2 The overall projected position at 30 September 2022 is 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. As the projected position is currently an overall over spend position, there have been no appropriations to earmarked reserves. A detailed analysis of the more significant projected under and over spends is set out in section 4.3.

4.1.3 It is too early in the financial year to provide a realistic indication of projected council tax for this financial year, and whether the Council is likely to see a reduction in council tax income over the 2022-23 financial year as more people are facing financial hardship as a result of the current cost of living crisis. A 1% reduction in the council tax income collection rate could result in an additional pressure to the Council of around £1 million. Council tax collection rates will be monitored continuously throughout the year and reported accordingly.

Covid-19

4.1.4 Following the UK going into lockdown in March 2020, to limit the spread of coronavirus, the Welsh Government established a Covid-19 Hardship Fund to enable the Council to draw on for financial support. Some additional funding has been made available to support the Council in 2022-23, including for homelessness (£1.479 million) and to cover free school meals during holiday periods. With the WG Hardship Fund ending on 31 March 2022, a budget pressure of £1 million was approved by Council for 2022-23 as part of the Medium Term Financial Strategy (MTFS) to meet ongoing budget pressures, both in respect of additional cost pressures and ongoing loss of income. Updates will continue to be provided to Cabinet through the quarterly revenue budget monitoring reports throughout 2022-23.

4.1.5 Cabinet and Corporate Management Board (CCMB) agreed to establish a one-off £1 million Covid-19 Recovery Fund in 2020-21 to provide funding for conscious and proactive decisions aimed at boosting recovery that were unlikely to be paid for by WG through the Hardship Fund. The balance on this fund has been carried into 2022-23 and CCMB have approved the use of this fund to support the free car parking offer for town centres to the end of 2022-23. Further proposals will be considered by CCMB during 2022-23.

4.1.6 Whilst the WG Hardship Fund ended on the 31 March 2022, local authorities continue to administer four elements that were paid through the Hardship Fund on behalf of WG – self isolation payments (to end of June 2022), statutory sick pay enhancement scheme (to end of August 2022), free school meal payments (to end of February half term 2023) and the winter fuel support scheme. Table 2 summarises the amounts claimed to date in 2022-23. The £184,000 reflects the latest claim that is pending review by WG with no issues anticipated in the settlement of the claim.

Table 2 – Covid related claims to Welsh Government - Quarter 2 2022-23

Specific Hardship fund	Claimed £'000	Pending review £'000
Self Isolation Payments (SIP)	635	3
Statutory Sick Pay Enhancements (SSP)	114	20
Free School Meals	1,047	161
TOTAL	**1,795**	**184**

Budget virements/technical adjustments

4.1.7 There have been a number of budget virements and technical adjustments between budgets since the quarter 1 revenue forecast was presented to Cabinet in July. The budget position is reported on the assumption that these virements will be approved. The main virements and technical adjustments in quarter 2 are outlined below:

Budget Virements

Service vired from / to	Amount
Transfer of funding from Corporate Covid-19 budget to Chief Executive's Directorate to provide additional support to meet increased channel shift pressures as a result of the Covid-19 pandemic	£73,824
One-off contribution from Corporate Contingency to fund transport and air quality monitoring within the Park Street AQMA	£8,863

Technical Adjustments

Service vired from / to	Amount
Transfer of inflationary uplifts not confirmed when the Medium Term Financial Strategy was agreed that are held centrally until evidence of the uplift is provided by the service areas	£892,777

Pay/Price Inflation

4.1.8 When the budget for 2022-23 was set, very little funding was allocated to directorates for pay and price inflation, as most had not been determined for the forthcoming year. The majority of the provision was retained centrally within Council wide budgets, to be allocated as further information was known about specific contractual price increases. The technical adjustments table above presents the amount released from these budgets as and when evidence is provided by the service areas.

4.1.9 Inflationary pressures released in quarter 1 included increases in staffing costs arising from the above inflation increases in the national living wage and the implementation of the real living wage. Once the outcome of the latest consultation exercises and ballots regarding pay claims for Teachers' pay, National Joint Council (NJC) and for Joint Negotiation Committee (JNC) for Chief Officers is known, the budgetary impact will be reported to Cabinet in future revenue monitoring reports. Even a variance of 1% on the pay settlement of NJC staff alone can result in a swing of required funding of over £1 million per annum.

4.1.10 In addition, in recent months the Council has 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.

4.1.11 There is a risk that there may not be sufficient funding available within these budgets for any unexpected major pay/price inflation increases. Inflation rates have also fluctuated since the budget was set - CPI was 6.2% in February 2022 and had increased to 9.9% in August 2022. In comparison it was 3.2% in August 2021. With these uncertainties the budget will need to be monitored closely during the remainder of the year.

Budget Reduction Proposals

4.1.12 The net budget for the financial year has been set assuming full implementation of the current year budget reduction requirements across the Council's budget, which amount to £631,000. Where proposals to meet this requirement have been delayed or are not achievable directorates have been tasked with identifying alternative proposals to meet their requirements such as vacancy management or bringing forward alternative budget reduction proposals.

4.1.13 In February 2022 Council approved the Medium Term Financial Strategy for 2022-23 to 2025-26. This identified the need to develop recurrent budget reduction proposals, based on the most likely scenario, amounting to £21.029 million over the next four years. Against that background it is essential that expenditure is kept within the overall approved budget and that longer term proposals continue to be developed so that the Council has as much flexibility as possible to meet the challenges which lie ahead.

4.1.14 At year end consideration will be given to requests from directors to carry forward any planned directorate under spends for specific purposes into the following year, in line with the Council's Reserves and Balances Protocol, as long as these can be met from within the Council's cash limited budget for 2022-23. This is in line with the reports to Cabinet and Council on the MTFS, and the Council's Financial Procedure Rules. Similarly, consideration will be given to any budget over spends to determine whether these should be carried forward as a first call on the directorate budget for the following year. Finally, outstanding prudential borrowing will be repaid, where possible, to reduce future capital financing charges. However, a decision will not be made until towards the end of the financial year when the overall year end position is more definite.

4.2 Monitoring of Budget Reduction Proposals

Prior Year Budget Reductions

4.2.1 A report was presented to Cabinet on 14 June 2022 on the Revenue Budget Outturn 2021-22. In the report it was highlighted that, for 2017-18 to 2020-21, there were £2.376 million of budget reduction proposals that were not met in full, with a total outstanding balance to be met of £100,000. In addition, of the 2021-22 budget reduction proposals of £1.760 million, it was reported that there was a total outstanding balance to be met of £65,000. Directors have been asked to identify if any of these proposals are still not likely to be achieved in full during the 2022-23 financial year, and to identify mitigating actions that will be undertaken to achieve them. All remaining outstanding prior year budget reductions are summarised in **Appendix 1** with a summary per directorate provided in Table 3.

Table 3 – Outstanding Prior Year Budget Reductions

	Total Budget Reductions Required	Total Budget Reductions Likely to be Achieved	Shortfall
DIRECTORATE /BUDGET REDUCTION AREA	**£'000**	**£'000**	**£'000**
Communities	179	119	60

Note: The total budget reductions required in Table 3 represents the original budget reduction target of £179,000 - £14,000 of the proposal was achieved in 2021-22 leaving £165,000 to be achieved in 2022-23.

4.2.2 Table 3 shows that of the £179,000 outstanding reductions, £119,000 is likely to be achieved in 2022-23 leaving a shortfall of £60,000. The proposal still not likely to be achieved is COM 2 – Re-location of community recycling centre from Tythegston to Pyle. The new site in Pyle is anticipated to open in 2022-23, with both sites being maintained until the new site is fully operational, therefore the saving will not be achieved in full until 2023-24. The saving will therefore have to be met through alternative one-off efficiencies in 2022-23 in order to deliver a balanced budget position.

4.2.3 At quarter 1 it was reported that COM19 – permitting scheme (£100,000) was unlikely to be achieved due to delays in the approval process with Welsh Government. A review of the budgets within the Communities Directorate took place during quarter 2 to identify a replacement saving for this budget reduction alongside attempts continuing to be made to make contact with the appropriate officers in WG to gain a formal response on the submission. A recurring saving on the street lighting budget of £100,000 has been identified as the LED replacement programme has generated savings due to reduced energy consumption and has replaced the saving from the permitting scheme.

4.2.4 As outlined in the MTFS reports to Cabinet and Council, MTFS Principle 7 states that *"Savings proposals are fully developed and include realistic delivery timescales prior to inclusion in the annual budget. An MTFS Budget Reduction Contingency Reserve will be maintained to mitigate against unforeseen delays".* An MTFS Budget Reduction Contingency reserve was established in 2016-17. This reserve has been used to meet specific budget reduction proposals in previous years on a one-off basis pending alternative measures. During the financial year, the Section 151 Officer will consider applications from Directorates to the MTFS Budget Reduction Contingency reserve to mitigate some of the shortfalls.

Budget Reductions 2022-23

4.2.5 The budget approved for 2022-23 included budget reduction proposals totalling £631,000, which is broken down in **Appendix 2** and summarised in Table 4 below. The current position is that £253,000 has been achieved to date, with an overall projected shortfall on the savings target by year end of £244,000, or 38.7% of the overall reduction target.

Table 4 – Monitoring of Budget Reductions 2022-23

	Total Budget Reductions Required	Total Budget Reductions Achieved to date	Total Budget Reductions Likely to be Achieved	Shortfall
DIRECTORATE /BUDGET REDUCTION AREA	**£'000**	**£'000**	**£'000**	**£'000**
Education and Family Support	68	0	0	68
Social Services and Wellbeing	365	160	284	81
Communities	150	45	55	95
Chief Executive's	48	48	48	0
TOTAL	**631**	**253**	**387**	**244**

4.2.6 The most significant budget reduction proposals unlikely to be achieved in full are:-

- EFS1 – Rationalisation of adult community learning service (£68,000 shortfall). WG have changed the terms and conditions of the grant for this service area which has impacted on the core budget and deliverability of this proposal. The Education and Family Support Directorate are working on alternative budget reduction proposals to replace this saving which will be reported to Cabinet in the quarter 3 revenue monitoring report.
- SSWB 2 – remodelling of day service provision for older people and learning disability services (£81,000 shortfall). Efficiencies have been identified, however work is ongoing to further develop the remodelling to meet the savings target in full.
- COM 3 – change the composition of household food waste bags (£35,000 shortfall). Budget reduction proposal has been delayed due to ongoing national research and debate surrounding composition of household food waste bags, to ensure any potential changes in legislation do not impact on the proposal.
- COM5 – commercially let a wing of Ravens Court to a partner organisation or business (£50,000 shortfall) – delay in progressing budget reduction proposal whilst the future service delivery model is being developed.

4.2.7 **Appendix 2** identifies the value of the saving target that has been achieved to the 30 September 2022, along with the projected amount of saving likely to be achieved against these proposals by year end in detail and action to be taken by the directorate to mitigate the shortfall. Directors continue to work with their staff to deliver their proposals or alternatives and this is reflected in the forecast year end spend. During the financial year the Section 151 Officer will also consider applications from directorates to the MTFS Budget Reduction Contingency reserve to mitigate some of the shortfalls.

4.2.8 In the longer term, these proposals must be realised or must be met through alternative budget reduction proposals in order to deliver a balanced budget position. These will continue to be closely monitored and draw down from the MTFS Budget Reduction Contingency reserve will be made as part of the overall review of earmarked reserves during quarter 3 if required.

4.3 Commentary on the financial position at 30th September 2022

Financial position at 30th September 2022

A summary of the financial position for each main service area is attached as **Appendix 3** to this report and comments on the most significant variances are provided below.

4.3.1 Education and Family Support Directorate

The net budget for the Education and Family Support Directorate, including school delegated budgets, for 2022-23 is £132.319 million. Current projections indicate an under spend of £217,000 at year end. The main variances are:

EDUCATION & FAMILY SUPPORT DIRECTORATE	Net Budget £'000	Projected Year end spend £'000	Projected Variance Over/(under) budget £'000	% Variance
Adult Community Learning	43	167	125	290.7%
Family Support	2,902	2,525	(377)	-13.0%
Home-to-school transport	8,040	8,181	141	1.75%
Catering Services	1,145	1,233	88	7.7%
Corporate health and safety	385	335	(50)	-13.0%

Schools' delegated budgets

Total funding delegated to schools in 2022-23 is £105.897 million.

The schools' delegated budget is reported as balanced as any under spend or over spend is automatically carried forward into the new financial year before being considered by the Corporate Director - Education and Family Support in line with the 'Guidance and Procedures on Managing Surplus School Balances'.

At the start of 2022-23, projections indicated an overall surplus balance for school delegated budgets of £3.473 million at year end. At quarter 2 this has reduced slightly to a £3.123 million projected surplus. There are 7 primary schools and 1 secondary school (14% of all schools) projecting a deficit balance at year end.

Central Education and Family Support Directorate budgets

Adult Community Learning

- The adult community learning budget has a £68,000 MTFS budget reduction proposal for 2022-23 which related to the removal of the council subsidised support to adult learners. Subsequent to this proposal, Welsh Government has changed the terms and conditions of the grant for this service area which has impacted on the core budget and deliverability of this proposal. The Education and Family Support Directorate is working on alternative budget reduction proposals to replace this saving which will be reported to Cabinet in the quarter 3 budget monitoring report.

Family Support

- The projected under spend of £377,000 primarily relates to staff vacancy management and maximisation of grant funding. The service area are actively looking to recruit to the vacant posts in 2022-23, therefore the saving should not be recurring in 2023-24.

Home-to-school transport (HtST)

- A MTFS budget pressure of £2.472 million was approved by Council in February 2022 to support the increased costs of HtST reported in 2021-22. These included the increased provision of taxis and minibuses for pupils with additional learning needs, transportation of nursery pupils in either dedicated minibuses or taxis, and a retendering exercise on home-to-school transport contracts, principally big buses and minibuses. A further procurement exercise was also undertaken at the end of 2021-22 for special taxis, taxis and minibus contracts which was anticipated to put further pressure on the HtST budget in 2022-23.
- The HtST budget is currently projecting a £141,000 over spend primarily relating to increased costs for those pupils with additional learning needs.
- It should also be noted that school transport providers are being significantly impacted by the fuel inflationary increases and are in discussion with the local authority with regard to the sharing of the risks and costs associated with continuing to operate.
- The HtST will require close monitoring for the remainder of 2022-23 given the pressures continuing to be faced by the service area.

Catering Services

- The projected over spend of £88,000 in catering services has reduced from the projected over spend at quarter 1 of £154,000 due to support provided from the central price inflation budget towards the increase in the cost of food. This budget area will continue to be closely monitored in 2022-23 with the potential for further support from the central price inflation budget if inflationary pressures continue in this service area.

Corporate Health and Safety Unit

- The projected under spend of £50,000 within the corporate health and safety unit primarily relates to staff vacancy management. The vacant posts are expected to be filled in 2022-23 therefore this saving should not be recurring in 2023-24.

4.3.2 **Social Services and Wellbeing Directorate**

The Directorate's net budget for 2022-23 is £82.327 million. Current projections indicate an over spend of £7.499 million at year end. This is a significant shift compared to the 2021-22 outturn position of a £5.931 million under spend and the projected over spend reported at quarter 1 of £1.548 million. The first reason for this was the significant grant income received in 2021-22, including one-off grants totalling around £5.137 million such as the Social Care Recovery Fund and the Social Care Pressures Grant. The second contributory factor for the projected over spend in 2022-23 is due to challenges in recruiting to permanent vacancies in some key teams. In particular, in order to meet the Authority's statutory safeguarding responsibilities in children's social care, the numbers of workers engaged to meet statutory duties and keep caseloads at safe levels due to increased levels of need are above the agreed establishment. Independent experts are supporting the development of a business case to set out what is needed going forward for there to

be sustainable ability to meet need within budget. The third area of pressure is due to the volume and complexity of need for statutory social care services from the vulnerable population of the county borough. Bridgend has a growing population and there are more people with statutory care and support needs post Covid pandemic. Overspends are evident in learning disability services, mental health services and services for older people. There are increasing numbers of children who require residential accommodation, care and support which is resulting in a significant budget pressure in that area. There are significant risks across many parts of the social services budget. The budget has been dependent for many years on short term grant funding to meet statutory duties with underlying deficits. Uncertainty about grant funding combined with increasing volume and complexity are resulting in the overspends evident below.

The main variances are :

SOCIAL SERVICES AND WELLBEING DIRECTORATE	Net Budget £'000	Projected year end spend £'000	Projected Variance Over/(under) budget £'000	% Variance
Adult Social Care	55,748	59,125	3,377	6.1%
Prevention and Wellbeing	5,528	5,355	(173)	-3.1%
Childrens Social Care	21,051	25,346	4,295	20.4%

Adult Social Care
There is projected net over spend of £3.377 million on the Adult Social Care budget. The most significant variances contributing to this projected over spend are:-

ADULT SOCIAL CARE	Projected Variance Over/(under) budget £'000
Learning Disabilities Home Care	1,548
Learning Disabilities Day Opportunities	482
Older People Residential Care	426
Mental Health Home Care	394
Equipment & Adaptions	358
Learning Disabilities Direct Payments	345
Learning Disabilities Residential Care	265
Assessment and Care Management	118
Mental Health Supported Accommodation	(243)
Mental Health Residential Care	(171)
Administrative and Central Services	(156)

The most significant projected over spends are:-

- Learning Disabilities Home Care – the overall over spend of £1.548 million is due to a combination of factors. Firstly, the number of hours of care covered by home care services has increased as clients have either opted to not return or are having a reduced service within internal day services provision. Secondly, there has been an

increase in the complexity of cases – e.g. waking nights required rather than sleep-in nights which increases the cost of service delivery considerably. There is an unpresented demand on the service at present, and this is not expected to decrease going forward.

- Learning Disabilities Day Opportunities – the over spend of £482,000 mainly relates to placement numbers exceeding the available budget for externally commissioned day services (£407,000). Placements numbers are similar to those in 2021-22, however the pressure was offset in the prior year by one-off grant income of £302,000. Secondly, whilst the learning disabilities home care budget is projecting an over spend as clients have not returned to internal day services, new clients are taking up the vacant day services placements, The service are actively looking to move service users back to in-house day services provision which should result in a reduction to this cost pressure going forward. Finally, whilst efficiencies have been identified in relation to the £115,000 MTFS saving relating to re-modelling of day services, work is ongoing to further develop the remodelling to meet the savings target and therefore it will not be met in full in 2022-23 as reported in section 4.2.6.
- Older People Residential Care – the projected over spend of £426,000 is primarily due to an increase in the additional number of care packages, an increase from 328 placements at quarter 1 to 345 placements at quarter 2.
- Mental Health Home Care – this includes supported living, short breaks and domiciliary care. The projected £394,000 over spend is primarily due to supported living packages of care exceeding the available budget. Placement numbers have increased further since quarter 1 from 34 to 37. Whilst supported living packages of care have decreased slightly since the 40 reported in 2021-22, the Social Care Pressures Grant funding was utilised to offset a considerable element of the prior year over spend of £454,000.
- Equipment & Adaptions – the projected over spend of £358,000 is because of continuing demand for equipment due to the need to support individuals in line with Welsh Government's rehabilitation and recovery model. The outturn for 2021-22 saw an underlying pressure in this service area of £401,000.
- Learning Disabilities Direct Payments – there is a projected over spend of £345,000 as the service area has seen a shift to clients choosing to opt for direct payments rather than utilising traditional methods of care and support. This shift does not necessarily result in under spends in other service area budgets as there is currently significant demand for social services support across the directorate. In addition, there has also been a notable change in the complexity of cases, with a small number of high cost, high complexity placements.
- Learning Disabilities Residential and Respite Care – there is a projected over spend at quarter 2 of £265,000, increasing from the over spend of £127,000 projected at quarter 1. This is firstly due to an increase in respite provision for 3 existing placements, along with a reduction in Health funding for another existing placement. In addition, the Breakaway respite service have successfully recruited to vacant posts, whereas the service had been reporting an under spend of £109,000 at quarter 1 due to it being anticipated that these vacancies would continue to remain unfilled due to the challenging recruitment environment.
- Assessment and Care Management – there is a projected over spend of £118,000 which is primarily due to the increased costs of having to rely on agency staffing in the older people network teams. Various recruitment activities and initiatives have been actioned in order to fill vacant posts, but appointments have been affected by the acute lack of availability of staff and increasing demands across the care sector.

These are partially offset by the projected under spends in the following areas:-

- Mental Health Supported Accommodation – the projected £243,000 under spend primarily relates to maximisation of Innovation grant funding.
- Mental Health Residential Care – the projected under spend of £171,000 is primarily due to a reduction in placements when compared with historic levels, albeit that placement numbers have increased slightly since quarter 1 from 45 to 48. The reason for the overall reduction in placements is primarily due to alternative service solutions being provided that were more suitable for people and adaptable to Covid-19 circumstances. If these alternative solutions continue to prove beneficial then budgets could be vired within mental health to areas that are experiencing pressures as a result of the medium to long term impact of the pandemic on individuals.
- Administrative & Central Services – there is a projected under spend of £156,000 which is primarily due to staffing vacancies as the service is currently going through a restructure. The structure is anticipated to have been populated by the final quarter of 2022-23.

Prevention and Wellbeing

- The projected under spend of £173,000 is primarily due to the maximisation of grant funding opportunities (Transformation, Summer of Fun, Local Authority Partnership Agreement, Disability Sports) The projection does not include any estimate for a contribution to the Council's leisure provider for any residual impact of running the leisure services in 2022-23 due to Covid-19. Close monitoring of the impact of Covid-19 on leisure services beyond this point will be required and updates provided to Cabinet in future monitoring reports.

Children's Social Care

There is projected net over spend of £4.295 million on the Children's Social Care budget. The most significant variances contributing to this projected over spend are:-

CHILDREN'S SOCIAL CARE	**Projected Variance Over/(under) budget £'000**
Care Experienced Children	1,489
Commissioning & Social Work	2,513
Management & Administration	276

- The projected over spend of £1.489 million for care experienced children is due to a combination of factors:-
  - Children's residential services are projecting an over spend of £287,000 mainly due to additional staffing requirements for complex behaviours and increased agency costs as a result of the challenging recruitment market.
  - The out of county residential care budget has a projected over spend of £917,000, an increase of £304,000 since quarter 1. There are currently 16 children in out of authority placements, an increase from 13 placements since 31 March 2022. It should be noted that this budget area can be volatile and small changes in

demand/complexity can result in relatively high costs being incurred. The budget is being closely monitored to ensure that the projected spend is effectively managed.

- There is a projected under spend on independent fostering agency placements (£268,000) and fostering placements (£356,000). This is due to alternative placement options being utilised, including in-house residential provision (£287,000 as noted above) and special guardianship orders, which are projecting an over spend of £267,000. These budgets will be monitored closely in 2022-23 and budgets vired as appropriate.
- The fostering team (who manage all the fostering placements) are projecting an over spend of £371,000 due to increased use of agency staffing. Management are actively trying to recruit permanent staff where possible, however this is proving to be a considerable challenge given the current recruitment market.
- The care experienced children's placements team are projecting an over spend of £218,000 primarily as they are having to rely on agency staff. Various recruitment activities and initiatives have been actioned in order to fill vacant posts, but appointments have been affected by the acute lack of availability of staff and increasing demands across the care sector.

- Commissioning & Social Work – the projected over spend of £2.513 million is mainly due to having to continue to rely on agency staffing across all the children's social work teams due to the ongoing recruitment challenges, acute lack of availability of staff and increasing demands across the care sector. The projections reflect the ongoing permanent staff recruitment issues and reliance on agency staff for the foreseeable future. Agency staff are being utilised where possible to limit the impact on service delivery.

- Management & Administration – the projected over spend of £276,000 relates primarily to an increase in staffing costs (mostly agency staff - £265,000) who are supporting key roles in children's services. The implications on support services of meeting statutory duties for increased numbers of children who are open on a care and support basis, or on the child protection register is clear. Statutory safeguarding meetings have to be minuted and communicated in a timely way. This was a key area for improvement highlighted by Care Inspectorate Wales.

4.3.3 **Communities Directorate**

The net budget for the Directorate for 2022-23 is £29.851 million. The current projection is an anticipated under spend of £526,000. The main variances are:

COMMUNITIES DIRECTORATE	Net Budget £'000	Projected year end spend £'000	Projected Variance Over/(under) budget £'000	% Variance
Planning and Development	591	923	332	56.2%
Economy, Natural Resources & Sustainability	1,613	1,472	(141)	-8.7%
Waste Disposal & Collection	9,829	9,610	(219)	-2.2%
Fleet Services	98	308	210	214.3%
Highways Services (DSO)	3,089	2,789	(300)	-9.7%
Street Lighting	1,522	1,493	(29)	-1.9%
Engineering Services	101	(46)	(147)	-145.5%

Planning and Development

- The projected over spend in planning and development of £332,000 is primarily due to a forecast downturn in planning application income based on income to date and comparison with the 2021-22 outturn. Fee income is subject to considerable fluctuations between years, depending on number of types of applications and will require close monitoring for the remainder of the 2022-23 financial year.

Economy, Natural Resources and Sustainability

- The projected under spend of £141,000 is due to a combination of maximising grant funding and staff vacancy management. The decarbonisation, energy management and sustainability teams in particular are experiencing difficulties in recruiting. The service area are actively seeking to recruit to these vacancies therefore it is not a recurring saving.

Waste Disposal and Collection

- There is a projected under spend of £219,000 on the waste disposal and collection budget. This is primarily due to a reduction in the disposal fee of residual waste at the Material Recovery and Energy Centre (MREC) and a slight reduction in the tonnage figures in since April, as people started to shift away from home-working. Close monitoring of this budget will continue in 2022-23 to see if the downward trend continues.

Fleet Services

- There is a projected over spend on Fleet services of £210,000. The fleet services team operate on a break-even basis with re-charges for work undertaken on directorate, South Wales Police and the general public's vehicles generating income to support staffing and overhead costs. Productivity continues to be impacted by long term sickness as well as recruitment and retention difficulties. A review of the service is currently being undertaken to address the projected over spend as this has continued into 2022-23.

Highways Services

- There is a projected under spend within highways services of £300,000 which is due primarily to staff vacancy management (£248,000) as a result of recruitment difficulties. The following teams in particular are experiencing difficulties in recruiting – hazarding (£46,000), construction (£152,000) and stores (£28,000). The balance of the projected under spend is due to core funded staff being utilised to support work on capital schemes – e.g. replacement of street lighting works (£40,000). In these cases, the salary costs can be capitalised, thus generating one-off income for the service area.

Street Lighting

- At quarter 1 a £225,000 projected under spend was reported against the street lighting energy budget as a result of savings generated by the LED replacement programme due to reduced energy consumption. This has reduced to a projected under spend of £29,000 at quarter 2. As indicated in 4.2.2, £100,000 of the saving generated from the energy savings has been utilised to replace the historic MTFS Permitting Scheme saving proposal. The remaining reduction in the projected under spend is due to additional street lighting maintenance being undertaken.

Engineering Services

- There is a projected under spend on engineering services of £147,000. This is primarily to an increase in the level of fee earning jobs (grant funded/non grant funded projects) and the differing chargeable rates allowed on the schemes.

4.3.4 **Chief Executive's**

The net budget for the Directorate for 2022-23 is £22.515 million. Current projections anticipate an under spend against this budget of £658,000. The main variances are:

CHIEF EXECUTIVE'S	Net Budget £'000	Projected year end spend £'000	Projected Variance Over/(under) budget £'000	% Variance
Legal, Democratic & Regulatory	5,368	5,415	47	0.9%
ICT	3,912	4,138	225	5.8%
Housing & Homelessness	3,375	2,497	(878)	-26.0%
Business Support	1,313	1,214	(99)	-7.5%

Legal, Democratic & Regulatory

- The projected over spend of £47,000 mainly relates to projected shortfalls in licensing fee income levels within regulatory services, although this has improved since the £126,000 reported in quarter 1 due to improved income projections in registration services. Registration services has seen an increase both in the number of registered births and deaths in 2022-23.
- Legal fees continue to be a budget pressure as reported in quarter 1. The current projected over spend for legal fees for 2022-23 is £298,000 however this is supported by an earmarked reserve created at the end of 2021-22 to cover the continuing pressure in this service area.

ICT

- There is a projected net over spend of £225,000 across ICT budgets. As highlighted in 2021-22, due to reduced printing activity ICT have been unable to cover the fixed costs of printers and photocopiers through the re-charge to service departments. Consequently, reduced spend will have been incurred on printing budgets across the service departments and included in the projections for individual service areas. In quarter 2 of 2021-22 a one-off budget virement of £150,000 was undertaken to align budgets. The implementation of the future service delivery model will continue to be monitored as to whether another one-off budget virement will be actioned in 2022-23.

Housing & Homelessness

- There is a projected under spend of £878,000 on Housing & Homelessness.
- Budget growth of £2.192 million was approved by Council as part of the MTFS Budget setting process in February 2021 to continue the commitment to focus support for homeless individuals providing them with accommodation. The budget was approved prior to confirmation from WG that the Covid Hardship Fund was to be extended through 2021-22.

- Despite the Hardship fund not being in place for 2022-23, WG recognised the need for homelessness accommodation to be secured in advance to continue the commitment to focus on support for homeless individuals and approved £1.479 million to cover these costs for the first six months of 2022-23. In addition, the accommodation element of the Hardship Fund was replaced in 2022-23 by a WG 'Homelessness – No One Left Out' grant funding of £1.046 million.
- Spend on Homelessness accommodation in 2022-23 is projected to be in the region of £3.703 million, against the combined WG funding of £2.525 million referred to above. The shortfall of £1.178 million is covered by the budget growth of £2.192 million, and the under spend against the core budget has enabled the service to fund a revenue contribution to capital of £530,000 for a refurbishment programme working with Valleys to Coast (V2C) in order to bring properties back into use for nomination rights and homelessness cases. This capital budget was approved by Council on 20 June 2022.
- The projected accommodation spend is based on increased numbers of households and individuals supported, from 196 households and 326 individuals in September 2021 to 220 households and 401 individuals in September 2022. The remaining projected under spend from the budget growth of £484,000 will be closely monitored in line with any further changes in support required for homelessness accommodation.
- Other accommodation income is projected to exceed budget by £262,000 which is mainly due to additional housing benefit received from clients in homelessness accommodation.

Business Support

- The projected under spend of £99,000 in business support relates primarily to staffing vacancies due to the challenging recruitment environment – the department are actively trying to recruit to these vacancies.

4.3.5 **Council Wide budgets**

This section includes budgets, provisions and services which are council wide, and not managed by an individual directorate. The net budget for 2022-23 is £52.502 million. Current projections anticipate an under spend against this budget of £2.665 million. The main variances are:-

COUNCIL WIDE BUDGETS	Net Budget £'000	Projected year end spend £'000	Projected Variance Over/(under) budget £'000	% Variance
Capital Financing Costs	7,291	6,853	(438)	-6.0%
Council Tax Reduction Scheme	16,054	15,154	(900)	-5.6%
Other Corporate Budgets	17,834	16,845	(989)	-5.6%

Capital Financing Costs

- The projected under spend of £438,000 mainly relates to interest paid and received due to a combination of lower borrowing than anticipated as the Council uses its own internal resources to finance schemes, and additional interest from current investments.

Council Tax Reduction Scheme

- There is a projected under spend of £900,000 on the Council Tax Reduction Scheme. This is a demand led budget and take-up is difficult to predict with an increase of £400,000 included within the budget for 2022-23 in anticipation of increased demand. Take up has remained similar, at present, to 2021-22 when the gross spend in this budget area was £15.239 million. The budget will be closely monitored in 2022-23 as there could be an additional call on the scheme in view of the impact of the cost of living crisis on personal financial circumstances with the potential for an increase in the number of benefit claimants.

Other Corporate Budgets

- As referred to in paragraph 4.1.8 to 4.1.11, due to the ongoing discussions regarding pay claims, the risk of unexpected major price inflation increases along with rising costs resulting from Brexit and the impact of the war in Ukraine, at this point in the financial year, it is prudent to assume that the majority of Council wide budgets will be fully spent by the year end. However it is anticipated that there will be a reduction in corporate support required to fund potential redundancy costs as, following the better than anticipated WG settlement for 2022-23, fewer budget reduction proposals had to be made. In addition, there is currently a lower than anticipated requirement against the £1m MTFS Covid-19 pressure approved by Council in February 2022.

4.4 Review of Earmarked Reserves

4.4.1 The Council is required to maintain adequate financial reserves to meet the needs of the organisation. The MTFS includes the Council's Reserves and Balances Protocol which sets out how the Council will determine and review the level of its Council Fund balance and earmarked reserves. At quarter 2 a review of the particular pressures that were to be covered by earmarked reserves was undertaken and Directorates have drawn down funding.

4.4.2 Given the overall projected over spend at quarter 2 as set out in 4.1.2, there have been no additions to earmarked reserves. The cumulative draw down by directorates is £2.845 million as shown in Table 5 below. The majority of draw down from earmarked reserves takes place in the later stages of the financial year, especially on capital and grant funded schemes. In addition, school balances are not adjusted until the year end – an overall reduction in year of £9.371 million on school balances is currently projected.

Table 5 – Usable Earmarked Reserves (Excluding Council Fund) – Quarter 2

		Movement as at Quarter 2			
Opening Balance 01 Apr 22	**Reserve**	**Net Additions/ Reclassification**	**Draw-down**	**Unwound**	**Closing Balance 30 Sep 22**
£'000		**£'000**	**£'000**	**£'000**	**£'000**
	Corporate Reserves:				
45,994	Capital Programme Contribution	-	-	-	45,994
4,725	Asset Management Reserves	105	(19)	-	4,811
6,310	Major Claims & Insurance Reserves	-	-	-	6,310
3,593	Service Reconfiguration	-	-	-	3,593
2,543	Change Management/Digital Transformation	-	(158)	-	2,385
2,000	Economic and Future Resilience Fund	-	-	-	2,000
65,165	**Total Corporate Reserves**	**105**	**(177)**	**-**	**65,093**
	Directorate Reserves:				
841	Education & Family Support	-	-	-	841
8,870	Social Services & Wellbeing	-	(679)	-	8,191
4,245	Communities	(105)	(54)	-	4,086
4,139	Chief Executives	-	(198)	-	3,941
18,095	**Total Directorate Reserves**	**(105)**	**(931)**	**-**	**17,059**
	Equalisation & Grant Reserves:				
3,283	Education & Family Support	-	(1,450)	-	1,833
350	Social Services & Wellbeing	-	-	-	350
3,800	Communities	-	(287)	-	3,513
575	Chief Executives	-	-	-	575
8,008	**Equalisation & Grant Reserves:**	**-**	**(1,737)**	**-**	**6,271**
12,494	School Balances	-	-	-	12,494
103,762	**TOTAL RESERVES**	**-**	**(2,845)**	**-**	**100,917**

4.4.3 The capital programme contribution reserve supplements the funding we receive from WG and via capital receipts to fund our capital programme. Currently we have a balance of £45.994 million of funding in this reserve which constitutes 45.6% of our overall earmarked reserves balance. This will be used to fund a wide range of schemes in the capital programme.

4.4.4 The School balances reserve increased significantly to £12.494 million at the end of 2021-22 due to additional school grant funding announced late in 2021-22. As noted in paragraph 4.3.1 the quarter 2 projections indicate a projected overall surplus balance for school delegated budgets of £3.123 million at year end as this grant funding gets utilised in-year. This will reduce this reserve accordingly by year end.

4.4.5 A further review of earmarked reserves will be undertaken at quarter 3 when there is a clearer picture on pressures and projected year end balances.

5. Effect upon policy framework and procedure rules

5.1 As required by section 3 (budgetary control) of the Financial Procedure Rules; Chief Officers in consultation with the appropriate Cabinet Member are expected to manage their services within the approved cash limited budget and to provide the Chief Finance Officer with such information as is required to facilitate and monitor budgetary control.

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act 2010, 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 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 These are reflected in the body of the report.

9. Recommendation

9.1 Cabinet is requested to:

- note the projected revenue position for 2022-23

Carys Lord
Chief Officer – Finance, Performance and Change
October 2022

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Background documents: Individual Directorate Monitoring Reports
MTFS Report to Council – 23 February 2022

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PRIOR YEAR BUDGET REDUCTIONS CARRIED FORWARD INTO 2022-23

Ref.	Budget Reduction Proposal		Original Reduction and RAG £000	Revised RAG £000	Total amount of saving likely to be achieved by 22-23 £000	Reason why not achievable	Proposed Action in 2022-23 to achieve

RAG STATUS KEY	
RED	Not likely to be achieved **at all** in this financial year or less than 25%.
AMBER	Reduction not likely to be achieved in full in financial year but greater than 25%
GREEN	Reduction likely to be achieved in full

COMMUNITIES

COM19 (2017-18)	Permitting Scheme road works net of existing income of £95,000		100		100	A response from Welsh Government is still outstanding in consideration of the business case for the Permitting Scheme. Attempts continue to be made to make contact with the appropriate officers to gain a formal response on the submission. However, an alternative saving has been identified from with the Communities Directorate.	A review of the budgets within the Communities Directorate has been undertaken to identify a replacement saving for the original budget reduction proposal. A recurring saving on the Street Lighting Budget of £100,000 has been identified as the LED replacement programme has generated savings due to reduced energy consumption.
COM 2 (2021-22)	Re-location of Community Recycling Centre from Tythegston to Pyle resulting in cessation of lease payments at existing site		60		0	The new site in Pyle is anticipated to open in 2022-23, with both sites being maintained until the new site is fully operational, therefore the saving will not be achieved in full until 2023-24.	The saving will be met through alternative one off efficiencies in 2022-23 to deliver a balanced budget position.
COM 7 (2021-22)	WG National AHP Waste Programme - capital contribution from WG towards 7.5 tonne vehicle to collect AHP recycling		19		19	New vehicle purchased part-way through 2021-22 therefore only partial saving achieved in prior year.	No action required - saving will be made in full in 2022-23.
	Total Communities Directorate		**179**		**119**		
	GRAND TOTAL OUTSTANDING REDUCTIONS		**179**		**119**		
	REDUCTIONS SHORTFALL				**60**		

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MONITORING OF 2022-23 BUDGET REDUCTIONS

APPENDIX 2

Ref.	Budget Reduction Proposal	Impact, including on 5 Ways of Working as set out in the Wellbeing of Future Generations Act	Proposed 2022-23 £'000	Value achieved to date 2022-23 £'000	Value Likely to be Achieved 2022-23 £'000	Reason why not likely to be achievable
EDUCATION & FAMILY SUPPORT						
CENTRAL EDUCATION & FAMILY SUPPORT						
EFS1	Rationalisation of Adult Community Learning Service	Remove the council subsidised support to adult learners although there are other providers - e.g. College. Less opportunity for adults to gain new skills.	68	0	0	Welsh Government have changed the terms and conditions of the grant for this service area which has impacted on the core budget and deliverability of this proposal. The Education and Family Support Directorate are working on alternative budget reduction proposals to replace this saving which will be reported to Cabinet in the quarter 3 budget monitoring report
	Total Education and Family Support		**68**	**0**	**0**	
SOCIAL SERVICES & WELLBEING						
SSW1	Across Adults and Children's services embed and consolidate outcome focussed practice and commissioning for all services areas.	This will support people to live their lives and will require our systems to be adapted to support the changes in practice. There will be a shift to embed outcome focussed practice which will have a focus on targeted prevention initiatives and by developing collaborative, long term relationships with providers as well as maximising the opportunities of the use of technology. This will be underpinned by planning accommodation, care and support together and listening to people who are experts in their own lives and acting upon what will make a difference.	200	76	200	Full saving should be achieved in 2022-23
SSW2	Remodelling day service provision for older people and learning disability services	The recent experience of the pandemic has enabled the service to find new ways of working and the service are proposing to review and refine the operating model for day time opportunities.	115	34	34	Efficiencies have been identified, however work is ongoing to further develop the remodelling to meet the savings target in full.

MONITORING OF 2022-23 BUDGET REDUCTIONS

APPENDIX 2

Ref.	Budget Reduction Proposal	Impact, including on 5 Ways of Working as set out in the Wellbeing of Future Generations Act	Proposed 2022-23 £'000	Value achieved to date 2022-23 £'000	Value Likely to be Achieved 2022-23 £'000	Reason why not likely to be achievable
SSW3	Remodelling Supported Living Services	A review of the service provision and alternative delivery models based on the current and predicted needs of individuals	50	50	50	Full saving achieved in 2022-23
	Total Social Services & Wellbeing Directorate		**365**	**160**	**284**	

COMMUNITIES

COM1	Strategic Regeneration Fund - reduction to annual allocation	The reduction to the Strategic Regeneration Fund will directly impact on the Council's ability to provide match-funding, through which to lever other external funding. There will be no funding for feasibility or development work, on which to prepare bids for funding. Also potential for a loss of private sector investment as a result of inability to engage productively with developers and present Bridgend County in a positive light.	20	20	20	Full saving achieved in 2022-23
COM2	Cessation of Tourism contract with AMA Associates an external Public Relations Company who promote Bridgend with a range of publishers.	News coverage about Bridgend County will reduce and this potentially would have implications for visitor numbers and the local economy.	25	25	25	Full saving achieved in 2022-23
COM3	Change the composition of Household Food Waste bags	The current bags cause issues with bio-degrading due to the speed of the food waste digestion process. Change the supply of bags to remove this issue.	35	0	0	Ongoing national research and debate surrounding composition of Household Food Waste Bags. Budget reduction proposal delayed until outcome of review known to ensure any potential changes in legislation do not impact on the proposal.
COM4	Remove Business in Focus from running Enterprise Centres in Bridgend	This would be dependent on Corporate Landlord picking up the responsibilities and ensuring a higher rate of occupancy of the units to remove voids.	20	0	10	Staffing vacancies have delayed the implementation of this saving proposal, however the recent appointment of a Senior Portfolio Surveyor will make this a priority as we move forward.

MONITORING OF 2022-23 BUDGET REDUCTIONS

APPENDIX 2

Ref.	Budget Reduction Proposal	Impact, including on 5 Ways of Working as set out in the Wellbeing of Future Generations Act	Proposed 2022-23 £'000	Value achieved to date 2022-23 £'000	Value Likely to be Achieved 2022-23 £'000	Reason why not likely to be achievable
COM5	Commercially let a wing of Ravens Court to a partner organisation or business.	Savings would be predicated on reduction in utilities from not occupying the space and rental income	50	0	0	Delay in progressing budget reduction proposal whilst the Future Service Delivery model is being developed.
	Total Communities Directorate		**150**	**45**	**55**	

CHIEF EXECUTIVES

CEX2	Efficiency saving targeting supplies and services budgets across the Chief Executive's Directorate	Limited impact as review has identified small historic underspends against this budget category	48	48	48	Full saving should be achieved in 2022-23
	Total Chief Executive's Directorate		**48**	**48**	**48**	

	GRAND TOTAL REDUCTIONS		**631**	**253**	**387**
	REDUCTION SHORTFALL				**244**

73	**143**	**343**
158	**110**	**135**
400	**0**	**153**
631	**253**	**631**

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BRIDGEND COUNTY BOROUGH COUNCIL	Budget 2022-23 Expenditure Budget £'000	Income Budget £'000	Net Budget £'000	Projected Year end spend £'000	Projected Variance Over/(under) budget £'000	% Variance
EDUCATION AND FAMILY SUPPORT						
School Delegated Budgets	127,199	(21,302)	105,897	105,897	-	0.0%
Learner Support	7,552	(1,207)	6,345	6,395	50	0.8%
Family Support	8,403	(5,501)	2,902	2,525	(377)	-13.0%
Business Support	14,794	(4,447)	10,347	10,422	75	0.7%
Schools Support	1,485	(837)	648	649	1	0.2%
School Modernisation	3,914	(214)	3,700	3,796	96	2.6%
Vulnerable Groups Support	709	(96)	613	577	(36)	-5.9%
Other Education and Family Support	1,976	(110)	1,867	1,841	(26)	-1.4%
TOTAL EDUCATION AND FAMILY SUPPORT	**166,032**	**(33,714)**	**132,319**	**132,102**	**(217)**	**-0.2%**
SOCIAL SERVICES AND WELLBEING						
Adult Social Care	77,496	(21,748)	55,748	59,125	3,377	6.1%
Prevention and Wellbeing	6,358	(830)	5,528	5,355	(173)	-3.1%
Childrens Social Care	22,217	(1,166)	21,051	25,346	4,295	20.4%
TOTAL SOCIAL SERVICES AND WELLBEING	**106,071**	**(23,744)**	**82,327**	**89,826**	**7,499**	**9.1%**
COMMUNITIES DIRECTORATE						
Planning & Development Services	2,236	(1,645)	591	923	332	56.2%
Strategic Regeneration	2,922	(1,259)	1,663	1,643	(20)	-1.2%
Economy, Natural Resources and Sustainability	6,351	(4,738)	1,613	1,472	(141)	-8.7%
Cleaner Streets and Waste Management	13,345	(1,502)	11,843	11,604	(239)	-2.0%
Highways and Green Spaces	23,049	(12,007)	11,042	10,666	(376)	-3.4%
Director and Head of Operations - Communities	274	-	274	274	-	0.0%
Corporate Landlord	13,727	(10,902)	2,825	2,743	(82)	-2.9%
TOTAL COMMUNITIES	**61,904**	**(32,053)**	**29,851**	**29,325**	**(526)**	**-1.8%**
CHIEF EXECUTIVE'S						
Chief Executive Unit	481	-	481	489	8	1.7%
Finance	46,835	(42,994)	3,841	3,778	(63)	-1.6%
HR/OD	2,400	(398)	2,002	2,077	75	3.7%
Partnerships	3,344	(1,227)	2,117	2,087	(30)	-1.4%
Legal, Democratic & Regulatory	6,318	(950)	5,368	5,415	47	0.9%
Elections	155	(49)	106	163	57	53.8%
ICT	5,200	(1,288)	3,912	4,137	225	5.8%
Housing & Homelessness	4,406	(1,031)	3,375	2,497	(878)	-26.0%
Business Support	1,424	(111)	1,313	1,214	(99)	-7.5%
TOTAL CHIEF EXECUTIVE'S	**70,563**	**(48,048)**	**22,515**	**21,857**	**(658)**	**-2.9%**
TOTAL DIRECTORATE BUDGETS	**404,570**	**(137,559)**	**267,012**	**273,110**	**6,098**	**2.3%**
Council Wide Budgets	53,472	(970)	52,502	49,837	(2,665)	-5.1%
NET BRIDGEND CBC	**458,042**	**(138,529)**	**319,514**	**322,947**	**3,433**	**1.1%**

NB: Differences due to rounding of £000's

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER – FINANCE, PERFORMANCE AND CHANGE

CAPITAL PROGRAMME UPDATE - QUARTER 2 - 2022-23

1. Purpose of report

1.1 The purpose of this report is to:

- comply with the requirement of the Chartered Institute of Public Finance and Accountancy's (CIPFA) 'The Prudential Code for Capital Finance in Local Authorities' (2017 edition)
- provide an update on the capital programme position for 2022-23 as at 30 September 2022 (**Appendix A**)
- seek agreement from Cabinet to present a report to Council for approval for a revised capital programme for 2022-23 to 2031-32 (**Appendix B**)
- note the projected Prudential and Other Indicators for 2022-23 (**Appendix C**)

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 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 Capital investment in the Council's assets is a key factor in meeting the Council's well-being objectives as set out in the Council's Corporate Plan.

3. Background

3.1 The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003, as amended, contain detailed provisions on capital finance and accounting controls, including rules on the use of capital receipts and what is to be treated as capital expenditure. They modify accounting practice in various ways to prevent adverse impacts on authorities' revenue resources.

3.2 As well as the legislation, the Council manages its Treasury Management and Capital activities in accordance with the following associated guidance:

- CIPFA's Treasury Management in the Public Services: Code of Practice
- CIPFA's The Prudential Code for Capital Finance in Local Authorities
- Welsh Government (WG) revised Guidance on Local Authority Investments

3.3 The Prudential Code for Capital Finance in Local Authorities requires Local Authorities to have in place a Capital Strategy which demonstrates that the Authority takes capital expenditure and investment decisions in line with service objectives and properly takes account of stewardship, value for money, prudence, sustainability, and affordability. To demonstrate that the Council has fulfilled these objectives, the Prudential Code sets out a number of Indicators that must be set and monitored each year. The Council's Capital Strategy, incorporating the Prudential Indicators for 2022-23, was approved by Council on 23 February 2022.

3.4 On 23 February 2022 Council approved a capital budget of £69.979 million for 2022-23 as part of a capital programme covering the period 2022-23 to 2031-32. The programme was last updated and approved by Council on 20 July 2022. This report provides an update on the following:

- Capital Programme monitoring quarter 2 2022-23
- A revised Capital Programme for 2022-23 to 2031-32
- Capital Strategy monitoring
- Prudential and other indicators

4. Current situation/proposal

Capital Programme 2022-23 Quarter 2 update

4.1 This section of the report provides Members with an update on the Council's capital programme for 2022-23 since it was last approved by Council and incorporates any new schemes and grant approvals. The revised programme for 2022-23 currently totals £89.539 million, of which £54.043 million is met from Bridgend County Borough Council (BCBC) resources, including capital receipts and revenue contributions from earmarked reserves, with the remaining £35.496 million coming from external resources, including Welsh Government General Capital Grant. Table 1 below shows the change in the capital

programme for each Directorate from the July 2022 (Quarter 1) approved Council position to Quarter 2:

Table 1 – Capital Programme per Directorate 2022-23

Directorate	Approved Council July 2022 £'000	New Approvals / (Reductions) £'000	Virements £'000	Slippage to future years £'000	Revised Budget 2022-23 £'000
Education & Family Support	17,754	2,851	109	(1,944)	18,770
Social Services and Well-being	3,909	0	30	0	3,939
Communities	69,893	(4,239)	(139)	(4,783)	60,732
Chief Executive's	5,529	0	0	(480)	5,049
Council Wide	1,049	0	0	0	1,049
Total	**98,134**	**(1,388)**	**0**	**(7,207)**	**89,539**

4.2 Table 2 below summarises the current funding assumptions for the capital programme for 2022-23. The capital resources are managed to ensure that maximum financial benefit for the Council is achieved. This may include the realignment of funding to maximise government grants.

Table 2 – Capital Programme 2022-23 Funding

Capital Resources	£'000
BCBC Resources:	
Capital Receipts	19,518
Earmarked Reserves	17,658
Unsupported Borrowing	6,924
Supported Borrowing	3,953
Other Loans	4,306
Revenue Contribution	1,684
Total BCBC Resources	**54,043**
External Resources:	
Grants	35,496
Total External Resources	35,496
TOTAL RESOURCES	**89,539**

4.3 **Appendix A** provides details of the individual schemes within the capital programme, showing the projected spend at 30 September 2022 against the budget available.

4.4 A number of schemes have already been identified as requiring slippage of budget to future years (2023-24 and beyond). At quarter 2 the total requested slippage is £7.207 million, which comprises the following schemes:

Arbed Phase 1 CESP (£3.405 million)
The start of the project is later than anticipated due to delays in receiving funding confirmation from Welsh Government. The projected expenditure in 2022-23 of £0.100 million will be limited to preparatory work, including procurement of the main contractor and survey work. Therefore, £3.405 million is being slipped for use in 2023-24.

Universal Free School Meals (£1.944 million)
In 2021-22 the Council received £1.162 million from Welsh Government for the provision of universal primary free school meals. Welsh Government has awarded the Council with an additional £1.628 million capital funding grant in 2022-23 to support the roll out of universal primary free school meals resulting in a total allocation of £2.790 million. Works have been delayed due to procurement issues. A contractor has now been appointed and it is anticipated works will begin in October Half Term 2022. Projected costs for the works during 2022-23 are £0.846 million, therefore £1.944 million is being slipped for use in 2023-24.

Bridgend Town Heat Network Scheme (£0.850 million)
The procurement of the main contractor has been completed, and a project programme has been produced. The construction phase of the project is expected to extend into Quarter 1 2023-24. Based on the project programme, £0.850 million is being slipped for use in 2023-24.

Parks/Pavilions/Community Centres CAT (£0.528 million)
The Community Asset Transfer (CAT) fund provides capital funding to assist community groups to improve assets post-transfer as and when self-management agreements are finalised. The timings of asset transfers are difficult to predict due to issues such as land registration which can delay completions, therefore £0.528 million is being slipped for use in 2023-24.

Health and Wellbeing Village (£0.480 million)
Following the insolvency of the previous main contractor, the Sunnyside Health and Wellbeing village development is now at the procurement stage. An open tender procedure took place earlier this year but was unsuccessful. Procurement advice indicates that Linc are at liberty to commence direct negotiations with an alternative contractor, and this process will now begin subject to endorsement of the formal procurement report. A completion contractor is therefore likely to be appointed towards the end of 2022 with re-mobilisation on site from January 2023. A contract period has yet to be agreed but it is anticipated that there will be a handover of dwellings mid-2024.

Capital Programme 2022-23 Onwards

4.5 Since the last capital report approved by Council in July 2022, there have been a number of new externally funded schemes approved and internally funded schemes which have been incorporated into the capital programme, including**:**

Universal Free School Meals (£1.628 million)
As mentioned above Welsh Government has awarded the Council an additional £1.628 million to support the roll out of universal primary free school meals. The funding has been provided to purchase/upgrade catering equipment as well as upgrading the existing kitchen and dining facilities. This funding is in addition to the £1.162 million received from Welsh Government in 2021-22, which had already been slipped for use in 2022-23.

Additional Leaning Needs (ALN) Capital Grant (£0.930 million)
Welsh Government has awarded the Council £0.930 million to optimise pre-16 learning environments for those with additional learning needs and increase accessibility to promote inclusive practice, support learning and pupil wellbeing. The funding can be used for eligible expenditure to support learners with ALN in both mainstream and special schools.

Coychurch Crematorium (£0.720 million)
An initial budget estimate of £0.550 million for the Flower Court facilities extension was approved by the Coychurch Crematorium Joint Committee at their meeting on 14 June 2019. This was re-approved at the meeting of the Joint Committee on 4 March 2022 and added to the capital programme for 2022-23. The deadline for tender submissions was 17 June 2022, with only one tender submission being received in the sum of £1.270 million. Despite the significant increase in the projected cost of the project, the Joint Committee approved the award of tender at their meeting on 15 July 2022, with the additional budget for the completion of the project being funded from their accumulated surplus.

Maesteg Town Hall (£0.395 million)
The Maesteg Town Hall re-development project has been progressing, albeit with some delays due to current market conditions relating to material supplies and availability of sub-contractors. Since the last Capital programme update, the Council has been successful in securing an additional £395,000 from Welsh Government's Building for the Future programme which could be utilised on essential works that have been identified as part of the construction contract and are currently being reviewed by the project team.

YGG Bro Ogwr Mobile Classroom (£0.270 million)
On 11 March 2021, Welsh Government announced the availability of an additional £30 million Welsh-medium Capital Grant, established in 2018, to support capital projects dedicated to supporting and growing the use of the Welsh language in education. This is on top of the existing allocation announced for Band B of the 21st Century Schools and Colleges Programme. In September 2021, Cabinet gave approval for an expression of interest to be

submitted to Welsh Government in respect of the Welsh-medium Capital Grant. On 15 August 2022, Welsh Government confirmed award of grant funding of £0.270 million in respect of mobile classroom provision at Ysgol Gymraeg Bro Ogwr.

Cwm Taf Nature Network (£0.230 million)
The Cwm Taf Nature Network aims to form a collaboration of organisations in the Cwm Taf Health Board region to manage green infrastructure for the benefit of people, businesses, and communities. The project will be a new way of working that moves our green space management away from being managed for their designations (Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI), and Nature Reserve) to being managed as a nature-based solution for improving the health and wellbeing of local residents. The collaboration will manage 20 green spaces across the Cwm Taf Region in line with the Well-being Plans. The scheme will be funded by Welsh Government's Rural Development Programme.

Relocation of Depot Facilities (£0.171 million)
£0.171 million has been added to the programme, funded by an earmarked reserve, in relation to works on Bryncethin Depot roof which are of a capital rather than revenue nature.

Urban Centre Property Enhancement (£0.103 million)
The Council has been awarded £0.103 million from Welsh Government's Transforming Towns 2022 programme to support the leaseholder in refurbishing a long-standing vacant unit within the Rhiw Shopping Centre. The project will focus on delivering a set of physical, commercial, and social improvements. On project completion it is envisaged that the building will be brought back into beneficial use as a hospitality venue, which in turn will increase town centre footfall and vibrancy.

Minor Works (£0.029 million)
An additional £0.029 million has been added to the programme in relation to a range of planned minor works which are of a capital rather than revenue nature so are now included as part of the capital programme. These will be funded from the existing revenue minor works budget.

School Maintenance Grant (£0.023 million)
The budget has been increased by £0.023 million to reflect a revenue contribution received towards the total cost of works.

Fire Precautions and DDA Minor Works (£0.017 million)
The Fire Precautions (£0.015 million) and Disability Discrimination Act (DDA) (£0.002 million) minor works budgets have been increased to reflect revenue contributions received towards the total cost of works.

In addition to the above schemes, the following scheme has been removed from the capital programme and is shown as a negative approval:

Caerau Heat Scheme (£5.904 million)
The capital element of the scheme is no longer progressing following the completion of feasibility work, which showed it was not deliverable within the external funding timescale and budget.

4.6 There are a number of other schemes within the Capital Programme that are awaiting confirmation of external funding over the Autumn period. Once approval is known, it may also result in some schemes needing re-profiling. The Capital Programme has not been updated at this time for these schemes and further reports will be brought to Cabinet and Council in due course for approval.

4.7 A revised Capital Programme is included as **Appendix B**.

Prudential and Other Indicators 2022-23 Monitoring

4.8 In February 2022, Council approved the Capital Strategy for 2022-23, which included the Prudential Indicators 2022-23 to 2024-25 together with some local indicators.

4.9 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. To this end, a number of prudential indicators were included within the Capital Strategy and approved by Council. In line with the requirements of the Prudential Code, the Chief Finance Officer is required to establish procedures to monitor performance against all forward-looking prudential indicators.

4.10 **Appendix C** details the actual indicators for 2021-22, the estimated indicators for 2022-23 set out in the Council's Capital Strategy and the projected indicators for 2022-23 based on the revised Capital Programme. These show that the Council is operating in line with the approved limits.

Capital Strategy Monitoring

4.11 The Capital Strategy also requires the monitoring of non-treasury management investments and other long-term liabilities. The Council does have an existing investment portfolio which is 100% based within the County Borough and primarily the office and industrial sectors. The income streams are generally 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 £5.585 million at 31 March 2022.

4.12 The Council has a number of other long-term liabilities which are included within the Capital Strategy, the most significant being the Maesteg School Private Finance Initiative (PFI), for the provision of a Secondary School in Maesteg. This forms a long-term liability for the Council which is £13.902 million at 31 March 2022. This is a 25-year agreement which will end during the 2033-34

financial year. Other long-term liabilities totalling £0.227 million include lease arrangements for the Innovation Centre and the Council's Waste Contract.

5. Effect upon policy framework and procedure rules

5.1 As required by Financial Procedure Rule 3.5.3 within the Council's Constitution, "The Chief Finance Officer shall report quarterly to Cabinet and Council with an update on the Capital Strategy and the Prudential Indicators."

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. Projects within the capital programme will be subject to the preparation of Equality Impact Assessments before proceeding. However, 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 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. Specifically, the development of a 10-year capital programme, which reflects the Council's affordability in terms of capital receipts and borrowing, supports the principle of sustainability over the long term.

8. Financial implications

8.1 The financial implications are outlined in the body of the report.

9. Recommendations

9.1 It is recommended that Cabinet:

- notes the Council's Capital Programme 2022-23 Quarter 2 update to 30 September 2022 (**Appendix A**)
- agree that the revised Capital Programme (**Appendix B**) be submitted to Council for approval
- notes the projected Prudential and Other Indicators for 2022-23 **(Appendix C)**

Carys Lord
Chief Officer – Finance, Performance and Change
October 2022

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Background documents: None

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Bridgend County Borough Council **APPENDIX A**

CAPITAL MONITORING REPORT **QUARTER 2 TO 30 September 2022**

	Budget 2022-23 (Council July 2022) £'000	New Approvals / (Reductions) £'000	Virement £'000	Slippage £'000	Revised Budget 2022-23 £'000	Total Expenditure To Date £'000	Projected Spend £'000
Education & Family Support							
21ST CENTURY SCHOOLS BAND B	2,324	-	-	-	2,324	4	2,324
YSGOL BRYN CASTELL	30	-	-	-	30	9	30
MYNYDDCYNFFIGPRIMARYSCHOOL	79	-	-	-	79	0	79
BRYNMENYN PRIMARY	44	-	-	-	44	-	44
LAND PURCHASE BAND B SCHOOLS	678	-	-	-	678	-	678
PENCOED PRIMARY	52	-	-	-	52	-	52
LLANGYNWYD WELSH COMP	50	-	50	-	100	-	100
GATEWAY TO THE VALLEYS SEC SCH	32	-	-	-	32	(5)	32
COITY PRIMARY SCHOOL	44	-	-	-	44	-	44
GARW VALLEY SOUTH PRY PROVIS.	139	-	-	-	139	68	139
PENCOED PRIMARY	53	-	-	-	53	-	53
GARW VALLEY PRIMARY HIGHWAYS	30	-	-	-	30	-	30
PENCOED PRY SCH HIGHWAYS WORKS	56	-	-	-	56	-	56
BRYNMENYN SCHOOL HIGHWAYS WORK	12	-	-	-	12	-	12
ABERCERDIN PRIMARY HUB	287	-	-	-	287	8	287
BRYNTIRION COMP SIX CLASSROOMS	650	-	-	-	650	22	650
FREE SCHOOL MEALS	1,162	1,628	-	(1,944)	846	2	846
COMMUNITY FOCUSED SCHOOLS	930	-	-	-	930	-	930
MINOR WORKS	345	-	59	-	404	163	404
HERONSBRIDGE SCHOOL	284	-	-	-	284	194	284
SCHOOLS TRAFFIC SAFETY	81	-	-	-	81	7	81
SCHOOLS MODERNISATION	386	-	-	-	386	0	386
EDUCATION S106 SCHEMES	169	-	-	-	169	-	169
SCHOOLS CAPITAL MAINT GRANT	3,632	23	-	-	3,655	719	3,655
WELSH MEDIUM GRANT - BETTWS	484	-	-	-	484	293	484
WELSH MEDIUM GRANT - BRIDGEND	550	-	-	-	550	-	550
WELSH MEDIUM GRANT - OGMORE	797	-	-	-	797	181	797
WELSH MEDIUM GRANT - PORTHCAWL	550	-	-	-	550	-	550
WELSH MEDIUM - HIGHWAYS	100	-	-	-	100	-	100
HIGHWAYS SCHEMES BAND B SCHOOL	3,400	-	-	-	3,400	-	3,400
BRYNTEG COMP ALL WEATHER PITCH	324	-	-	-	324	-	324
ALN CAPITAL GRANT		930	-	-	930	-	930
YG BRO OGWR MOBILE CLASSROOMS		270	-	-	270	-	270
TOTAL Learning	17,754	2,851	109	(1,944)	18,770	1,666	18,770
						-	
TOTAL Education & Family Support	**17,754**	**2,851**	**109**	**(1,944)**	**18,770**	**1,666**	**18,770**
Social Services and Wellbeing							
BRYN Y CAE-UPGRADE HFE'S	40	-	-	-	40	-	40
TY CWM OGWR	331	-	-	-	331	2	331
VARIOUS MINOR WORKS	135	-	-	-	135	11	135
TREM Y MOR - ACCOMODATION	4	-	-	-	4	1	4
BAKERS WAY MINOR WORKS	10	-	-	-	10	-	10

Bridgend County Borough Council **APPENDIX A**
CAPITAL MONITORING REPORT **QUARTER 2 TO 30 September 2022**

	Budget 2022-23 (Council July 2022) £'000	New Approvals / (Reductions) £'000	Virement £'000	Slippage £'000	Revised Budget 2022-23 £'000	Total Expenditure To Date £'000	Projected Spend £'000
GLAN YR AFON CARE HOME	51	-	-	-	51	-	51
TELECARE TRANSFORMATION	483	-	-	-	483	-	483
CHILDRENS RESIDENTIAL HUB	2,497	-	-	-	2,497	508	2,497
ACCESSIBILITY WORKS HALO/AWEN	11	-	-	-	11	-	11
PORTHCAWL GRAND PAVILION LU	98	-	-	-	98	-	98
BRYNGARW HOUSE		-	30	-	30	-	30
COMMUNITY CENTRES	226	-	-	-	226	-	226
BRYNGARW PARK - ACCESS	23	-	-	-	23	19	23
TOTAL Social Services & Wellbeing	**3,909**	**-**	**30**	**-**	**3,939**	**541**	**3,939**

Communities
Street Scene

COMMUNITY PLAY AREAS	1,286	-	-	-	1,286	199	1,286
PARKS/PAVILIONS/OTHER CAT	813	-	-	(528)	285	168	285
ABERFIELDS PLAYFIELDS	11	-	-	-	11	-	11
CITY DEAL	3,138	-	-	-	3,138	-	3,138
COASTAL RISK MANAGEMENT P'CAWL	2,528	-	-	-	2,528	1,383	2,528
CORNELLY CEMETERY EXT	279	-	-	-	279	4	279
COYCHURCH CREM WORKS	665	720	-	-	1,385	5	1,385
PORTHCAWL CEMETERY EXT	183	-	-	-	183	1	183
ACCESSIBILITY & SAFETY ROAD	392	-	-	-	392	11	392
REMEDIAL MEASURES - CAR PARKS	135	-	-	-	135	-	135
CIVIL PARKING ENFORCEMENT CAR	38	-	-	-	38	-	38
ULEVT FUND	343	-	-	-	343	254	343
FLEET TRANSITION-ULEV	300	-	-	-	300	-	300
ULEV VEHICLES	320	-	-	-	320	-	320
TRAFFIC SIGNAL REPLACEMENT	250	-	-	-	250	6	250
TONDU WASTE DEPOT UPGRADE FIRE	140	-	-	-	140	-	140
20 MPH DEFAULT SPEED	580	-	-	-	580	12	580
ROAD SAFETY SCHEMES	124	-	-	-	124	56	124
PYLE TO PORTHCAWL ATR PHASE 1	387	-	-	-	387	44	387
PENCOED TECH PARK ACT TRAVEL	3,463	-	-	-	3,463	(44)	3,463
HIGHWAYS STRUCTURAL WORKS	340	-	-	-	340	(11)	340
CARRIAGEWAY CAPITAL WORKS	250	-	-	-	250	12	250
ROAD SAFETY IMPROVEMENTS	500	-	-	-	500	(15)	500
PROW CAPITAL IMP STRUCTURES	52	-	-	-	52	(1)	52
HIGHWAYS MAINTENANCE GRANT	2,000	-	-	-	2,000	(25)	2,000
CARRIAGEWAY & FOOTWAYS RENEWAL	1,500	-	-	-	1,500	221	1,500
REPLACEMENT OF STREET LIGHTING	416	-	-	-	416	56	416
BRIDGE STRENGTHENING A4061	24	-	-	-	24	0	24
COMMUNITIES MINOR WORKS	391	-	200	-	591	5	591
RIVER PROTECTION MEASURES	-	-	-	-	-	(42)	-
PORTHCAWL BUS STATION CCRMETRO	1,900	-	-	-	1,900	2	1,900
PENPRYSG ROAD BRIDGE LU	100	-	-	-	100	-	100
PENPRYSG ROAD BRIDGE	735	-	-	-	735	(5)	735

Bridgend County Borough Council **APPENDIX A**

CAPITAL MONITORING REPORT **QUARTER 2 TO 30 September 2022**

	Budget 2022-23 (Council July 2022) £'000	New Approvals / (Reductions) £'000	Virement £'000	Slippage £'000	Revised Budget 2022-23 £'000	Total Expenditure To Date £'000	Projected Spend £'000
SAFE ROUTES - COITY HIGHER	-	-	-	-	-	(6)	-
RESIDENTS PARKING BRIDGEND TC	124	-	-	-	124	5	124
FLEET VEHICLES	1,384	-	-	-	1,384	85	1,384
AHP WASTE	24	-	-	-	24	20	24
HEOL MOSTYN JUNCTION	169	-	-	-	169	(11)	169
S106 HIGHWAYS SMALL SCHEMES	45	-	-	-	45	3	45
TOTAL Streetscene	25,329	720	200	(528)	25,721	2,393	25,721
Regeneration & Development							
BRDGND BUS SUP NETWORK	-	-	53	-	53	35	53
CWM TAF NATURE NETWORK	-	230	-	-	230	-	230
BRILLIANT BASICS	65	-	-	-	65	29	65
COSY CORNER (PRIF)	2,675	-	-	-	2,675	245	2,675
ARBED PHASE 1 CESP	3,505	-	-	(3,405)	100	-	100
EU CONVERGANCE SRF BUDGET	436	-	-	-	436	-	436
EWENNY ROAD INDUSTRIAL ESTATE	3,500	-	-	-	3,500	-	3,500
LLYNFI DEVELOPMENT SITE	2,260	-	-	-	2,260	-	2,260
BRIDGEND HEAT SCHEME	3,350	-	-	(850)	2,500	27	2,500
MAESTEG TOWN HALL CULTURAL HUB	3,974	395	-	-	4,369	807	4,369
CAERAU HEAT SCHEME	5,904	(5,904)	-	-	-	-	-
ECONIMIC STIMULUS GRANT (WG)	553	-	(53)	-	500	-	500
URBAN CENTRE PROPERTY ENHANCE	-	103	-	-	103	103	103
PORTHCAWL REGENERATION PROJECT	3,492	-	-	-	3,492	-	3,492
COMM PROP ENHANCEMENT FUND	134	-	-	-	134	-	134
TOWN & COMMUNITY COUNCIL FUND	242	-	-	-	242	35	242
PORTHCAWL THI	124	-	-	-	124	29	124
TOTAL Regeneration & Development	30,214	(5,176)	-	(4,255)	20,783	1,310	20,783
Corporate Landlord							
CAPITAL ASSET MANAGEMENT FUND	820	-	-	-	820	-	820
CORP LANDLORD ENERGY EFFIC SAV	390	-	-	-	390	159	390
ENTERPRISE HUB INNOVATION CENT	1,890	-	-	-	1,890	12	1,890
RAVENS COURT	447	-	-	-	447	0	447
DDA WORKS	35	2	290	-	327	43	327
MINOR WORKS	1,400	29	(999)	-	430	-	430
FIRE PRECAUTIONS MINOR WORKS	124	15	100	-	239	59	239
BRYNCETHIN DEPOT FACILITIES	467	171	270	-	908	248	908
NON OPERATIONAL ASSETS	480	-	-	-	480	-	480
WATERTON UPGRADE	8,144	-	-	-	8,144	-	8,144
EVERGREEN HALL	106	-	-	-	106	13	106
INVESTING IN COMMUNITIES	47	-	-	-	47	-	47
Total Corporate Landlord	14,350	217	(339)	-	14,228	534	14,228
TOTAL Communities	**69,893**	**(4,239)**	**(139)**	**(4,783)**	**60,732**	**4,237**	**60,732**
Chief Executive							

Bridgend County Borough Council **APPENDIX A**

CAPITAL MONITORING REPORT **QUARTER 2 TO 30 September 2022**

	Budget 2022-23 (Council July 2022) £'000	New Approvals / (Reductions) £'000	Virement £'000	Slippage £'000	Revised Budget 2022-23 £'000	Total Expenditure To Date £'000	Projected Spend £'000
MANDATORY DFG RELATED EXPEND	1,950	-	-	-	1,950	563	1,950
DISCRETIONARY HOUSING GRANTS	400	-	-	-	400	-	400
HOUSING RENEWAL AREA	218	-	-	-	218	15	218
EMPTY HOMES GRANTS-GRANTS ONLY	300	-	-	-	300	-	300
ENABL-SUP FOR IND LIVING GRANT	270	-	-	-	270	-	270
HEALTH & WELLBEING VILLAGE	480	-	-	(480)	-	-	-
HOMELESSNESS AND HOUSING	530	-	-	-	530	-	530
TOTAL Housing/Homelessness	4,148	-	-	(480)	3,668	579	3,668
ICT INFRA SUPPORT	698	-	-	-	698	299	698
CCTV SYSTEMS REPLACEMENT	427	-	-	-	427	4	427
HWB SCHOOLS IT	56	-	-	-	56	49	56
DIGITAL TRANSFORMATION	200	-	-	-	200	3	200
TOTAL ICT	1,381	-	-	-	1,381	355	1,381
TOTAL Chief Executive	**5,529**	**-**	**-**	**(480)**	**5,049**	**934**	**5,049**
Council Wide Capital Budgets							
CORPORATE CAPITAL FUND	373	-	-	-	373	-	373
UNALLOCATED	676	-	-	-	676	-	676
	1,049	-	-	-	1,049	-	1,049
GRAND TOTAL	**98,134**	**(1,388)**	**-**	**(7,207)**	**89,539**	**7,377**	**89,539**

Credit balances under 'Total Expenditure to Date' represent amounts payable and accrued as at 31 March 2022. Payments made during 2022-23 will be set against the credit balances shown

CAPITAL PROGRAMME 2022-2032 **APPENDIX B**

	Total 2022-2032			2022 - 2023					FUTURE YEARS									CUMULATIVE
	Total Cost £'000	BCBC Funding £'000	External Funding £'000	Council July 22 2022-23 £'000	New Approvals / Reductions £'000	Virement £'000	Slippage £'000	Revised 2022-23 £'000	2023-2024 £'000	2024-2025 £'000	2025-2026 £'000	2026-2027 £'000	2027-2028 £'000	2028-2029 £'000	2029-2030 £'000	2030-2031 £'000	2031-2032 £'000	Total 2022 - 2032 £'000
Education & Family Support																		
Highways Schemes Band B Schools	3,400	3,400	-	3,400				**3,400**										**3,400**
21st Century Schools Band B	64,966	19,034	45,932	2,324				**2,324**	8,830	35,187	17,188	1,437						**64,966**
Ysgol Bryn Castell Special School	30	30		30				**30**										**30**
Ysgol Gyfun Gymraeg Llangynwyd	100	100	-	50		50		**100**										**100**
Brynmenyn Primary School	44	44	-	44				**44**										**44**
Land Purchase Band B	2,028	2,028	-	678				**678**	1,350									**2,028**
Gateway to the Valleys C C Y D Comprehensive School	32	32	-	32				**32**										**32**
Garw Valley South Primary Provision	139	139	-	139				**139**										**139**
Pencoed Primary School	53	53	-	53				**53**										**53**
Garw Valley Primary Highways Works	30	30	-	30				**30**										**30**
Pencoed School Highways Works	56	56	-	56				**56**										**56**
Abercerdin Primary School Hub	287	287	-	287				**287**										**287**
Brynteg Comprehensive School All Weather Pitch	324	324	-	324				**324**										**324**
Brymenyn Primary Highways Works	12	12	-	12				**12**										**12**
Schools Minor Works	404	404	-	345		59		**404**										**404**
Schools Traffic Safety	81	81	-	81				**81**										**81**
Heronsbridge Special School	284	284	-	284				**284**										**284**
School Modernisation	386	386	-	386				**386**										**386**
Pencoed Primary School	900	900	-	52				**52**	450	398								**900**
Coety Primary School	1,650	1,650		44				**44**	500	1,106								**1,650**
Bryntirion Comprehensive School	1,800	411	1,389	650				**650**	1,102	48								**1,800**
Education S106 Schemes	169	-	169	169				**169**										**169**
Mynydd Cynffig Primary School Mobiles	79	79	-	79				**79**										**79**
School's Capital Maintenance Grant	3,655	3,623	32	3,632	23			**3,655**										**3,655**
Welsh Medium Childcare Provision - Bettws	484	-	484	484				**484**										**484**
Welsh Medium Childcare Provision - Bridgend	550	-	550	550				**550**										**550**
Welsh Medium Childcare Provision - Ogmore	797	-	797	797				**797**										**797**
Welsh Medium Childcare Provision - Porthcawl	550	-	550	550				**550**										**550**
Welsh Medium Childcare Provision - Highways Schemes	100	-	100	100				**100**										**100**
Free School Meals	2,790	1,944	846	1,162	1,628		(1,944)	**846**	1,944									**2,790**
Community Focused Schools	930		930	930				**930**										**930**
ALN Capital Grant	930		930		930			**930**										**930**
Y G Bro Ogwr Mobile Classrooms	270		270		270			**270**										**270**
Total Education and Family Support	**88,310**	**35,331**	**52,979**	**17,754**	**2,851**	**109**	**(1,944)**	**18,770**	**14,176**	**36,739**	**17,188**	**1,437**	**-**	**-**	**-**	**-**	**-**	**88,310**
Social Services and Well-being																		
Adult Social Care																		
Bryngarw Park- Access	23	23		23				**23**										**23**
Bryn Y Cae	40	40		40				**40**										**40**
Trem Y Mor	4	4		4				**4**										**4**
Ty Cwm Ogwr Care Home	331	331		331				**331**										**331**
Wellbeing Minor Works	135	135		135				**135**										**135**
Bakers Way	10	10	-	10				**10**										**10**
Glan Yr Afon Care Home	51	51	-	51				**51**										**51**
Children's Residential Accommodation Hub	2,497	2,497		2,497				**2,497**										**2,497**
Telecare Transformation Project	1,405	1,405		483				**483**	527	395								**1,405**
Culture								**-**										**-**
HALO and AWEN Accessibility	11	11		11				**11**										**11**
Community Centres	226	226		226				**226**										**226**
Bryngarw House	30	30				30		**30**										**30**
Porthcawl Grand Pavilion	2,000	2,000		98				**98**	537	1,365								**2,000**
Total Social Services and Well-being	**6,763**	**6,763**	**-**	**3,909**	**-**	**30**	**-**	**3,939**	**1,064**	**1,760**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**6,763**
Communities																		
Street Scene																		
Community Children's Play Areas	1,286	1,286	-	1,286				**1,286**										**1,286**
Parks/Pavilions/Community Centres CAT	813	813	-	813			(528)	**285**	528									**813**
Aber Playing Fields	11	11	-	11				**11**										**11**
Cardiff Capital Region City Deal	7,691	7,691	-	3,138				**3,138**	4,451	103								**7,691**
Coychurch Crem Works	1,385	-	1,385	665	720			**1,385**										**1,385**
Minor Crossings	392		392	392				**392**										**392**
Remedial Measures - Car Parks	135	135	-	135				**135**										**135**
Civil Parking Enforcement	38	38	-	38				**38**										**38**
Road Signs 20mph Default Speed	580	-	580	580				**580**										**580**
Road Safety	124	124	-	124				**124**										**124**
Pyle to Porthcawl	387	-	387	387				**387**										**387**
Active travel Bridgend to Pencoed Phase 3	3,463	-	3,463	3,463				**3,463**										**3,463**
Highways Structural Works	3,400	3,400	-	340				**340**	340	340	340	340	340	340	340	340	340	**3,400**
Carriageway Capital Works	2,500	2,500	-	250				**250**	250	250	250	250	250	250	250	250	250	**2,500**
Road Safety Improvements - Heol Mostyn	169	169	-	169				**169**										**169**
Prow Capital Improvement Programme	52	52	-	52				**52**										**52**

CAPITAL PROGRAMME 2022-2032 **APPENDIX B**

	Total 2022-2032			2022 - 2023					FUTURE YEARS									CUMULATIVE
	Total Cost £'000	BCBC Funding £'000	External Funding £'000	Council July 22 2022-23 £'000	New Approvals / Reductions £'000	Virement £'000	Slippage £'000	Revised 2022-23 £'000	2023-2024 £'000	2024-2025 £'000	2025-2026 £'000	2026-2027 £'000	2027-2028 £'000	2028-2029 £'000	2029-2030 £'000	2030-2031 £'000	2031-2032 £'000	Total 2022 - 2032 £'000
Highways Refurbishment	2,000	2,000	-	2,000				**2,000**										**2,000**
Carriageway Resurfacing & Renewal of Footways	1,500	1,500		1,500				**1,500**										**1,500**
Replacement of Street Lighting Columns/ River Bridge Protection Measures	4,016	4,016	-	416				**416**	400	400	400	400	400	400	400	400	400	**4,016**
River Bridge Protection Measures	24	24	-	24				**24**										**24**
Communities Minor Works	591	591	-	391		200		**591**										**591**
Ultra Low Emissions Vehicle Transformation Fund	343	-	343	343				**343**										**343**
Fleet Transition Ultra Low Emmissions Vehicles	300		300	300				**300**										**300**
Traffic Signal Replacement	250	250		250				**250**										**250**
Net Zero Carbon Fleet	320	320	-	320				**320**										**320**
CCR Metro Plus-Porthcawl Bus station	1,900		1,900	1,900				**1,900**										**1,900**
Local Transport Fund - Penprysg Road Bridge	985	582	403	735				**735**	250									**985**
Residents Parking Bridgend Town Centre	124	124	-	124				**124**										**124**
Fleet Vehicles	1,384	1,384	-	1,384				**1,384**										**1,384**
AHP Waste	24	24	-	24				**24**										**24**
Extension to Cornelly Cemetery	279	279	-	279				**279**										**279**
Extension to Porthcawl Cemetery	183	183	-	183				**183**										**183**
S106 Highways Small Schemes	45	-	45	45				**45**										**45**
Unadopted Roads	500	500	-	500				**500**										**500**
Fire Suppression System Tondu Waste Depot	140	140	-	140				**140**										**140**
Levelling Up Penprysg Road Bridge	2,500	2,500	-	100				**100**	1,800	600								**2,500**
Regeneration & Development																		
Business Support Framework	53	53	-			53		**53**										**53**
Porthcawl Resort Investment Focus	-	-	-					**-**										**-**
Special Regeneration Funding	436	436	-	436				**436**										**436**
Cosy Corner (PRIF)	2,675	1,799	876	2,675				**2,675**										**2,675**
Porthcawl Regeneration	3,492	3,492	-	3,492				**3,492**										**3,492**
Economic Stimulus Grant	500	500	-	553		(53)		**500**										**500**
Coastal Risk Management Programme	2,528	2,528	-	2,528				**2,528**										**2,528**
Ewenny Road Industrial Estate	3,500	-	3,500	3,500				**3,500**										**3,500**
CESP/Arbed Phase 1	3,505	855	2,650	3,505			(3,405)	**100**	3,405									**3,505**
Llynfi Valley Development Programme	2,260	2,260		2,260				**2,260**										**2,260**
Bridgend Heat Scheme	3,350	2,323	1,027	3,350			(850)	**2,500**	850									**3,350**
Maesteg Town Hall Cultural Hub	4,369	1,870	2,499	3,974	395			**4,369**										**4,369**
Town & Community Council Fund	692	692	-	242				**242**	50	50	50	50	50	50	50	50	50	**692**
Caerau Heat Network	-	-	-	5,904	(5,904)			**-**										**-**
Porthcawl Townscape Heritage Initiative	124	124	-	124				**124**										**124**
Brilliant Basics	65	13	52	65				**65**										**65**
Commercial Property Enhancement Fund	134	134		134				**134**										**134**
Cwm Taf Nature Network	230	-	230		230			**230**										**230**
Urban Centre Property Enhancement	103		103		103			**103**										**103**
Corporate Landlord																		
Capital Asset Management Fund	820	820	-	820				**820**										**820**
Corporate Landlord - Energy Savings Strategy	390	390	-	390				**390**										**390**
Enterprise Hub - Innovation Centre	1,890	642	1,248	1,890				**1,890**										**1,890**
Raven's Court	447	447		447				**447**										**447**
DDA Works	327	327	-	35	2	290		**327**										**327**
Minor Works	10,600	10,600	-	1,400	29	(999)		**430**	1,130	1,130	1,130	1,130	1,130	1,130	1,130	1,130	1,130	**10,600**
Fire Precautions	239	239	-	124	15	100		**239**										**239**
Bryncethin Depot Facilities	908	908	-	467	171	270		**908**										**908**
Non-Operational Assets	480	480	-	480				**480**										**480**
Waterton Upgrade	8,144	8,144	-	8,144				**8,144**										**8,144**
Evergreen Hall	106	106	-	106				**106**										**106**
Investing in Communities	47	47	-	47				**47**										**47**
Total Communities	**92,248**	**70,865**	**21,383**	**69,893**	**(4,239)**	**(139)**	**(4,783)**	**60,732**	**13,454**	**2,873**	**2,170**	**2,170**	**2,170**	**2,170**	**2,170**	**2,170**	**2,170**	**92,248**
Chief Executive's																		
Housing / Homelessness																		
Disabled Facilities Grants (DFG)	17,700	17,700		1,950				**1,950**	1,750	1,750	1,750	1,750	1,750	1,750	1,750	1,750	1,750	**17,700**
Discretionary Housing Grants	2,200	2,200		400				**400**	200	200	200	200	200	200	200	200	200	**2,200**
Housing Renewal / Empty Properties	1,118	1,118	-	218				**218**	100	100	100	100	100	100	100	100	100	**1,118**
Valleys Taskforce Empty Properties Grant	300	105	195	300				**300**										**300**
Enable Grant	810	-	810	270				**270**	270	270								**810**
Homelessness and Housing	530	530	-	530				**530**										**530**
Health and Wellbeing Village	480	-	480	480			(480)	**-**	480									**480**
ICT								**-**										**-**
Investment in ICT	4,298	4,298	-	698				**698**	400	400	400	400	400	400	400	400	400	**4,298**
HWB Schools IT	56	56	-	56				**56**										**56**
Digital Transformation	200	200	-	200				**200**										**200**
Replacement CCTV	427	427	-	427				**427**										**427**
Total Chief Executive's	**28,119**	**26,634**	**1,485**	**5,529**	**-**	**-**	**(480)**	**5,049**	**3,200**	**2,720**	**2,450**	**2,450**	**2,450**	**2,450**	**2,450**	**2,450**	**2,450**	**28,119**

CAPITAL PROGRAMME 2022-2032 **APPENDIX B**

	Total 2022-2032			2022 - 2023					FUTURE YEARS									CUMULATIVE
	Total Cost £'000	BCBC Funding £'000	External Funding £'000	Council July 22 2022-23 £'000	New Approvals / Reductions £'000	Virement £'000	Slippage £'000	Revised 2022-23 £'000	2023-2024 £'000	2024-2025 £'000	2025-2026 £'000	2026-2027 £'000	2027-2028 £'000	2028-2029 £'000	2029-2030 £'000	2030-2031 £'000	2031-2032 £'000	Total 2022 - 2032 £'000
Council Wide Capital Budgets																		
Corporate Capital Fund	2,173	2,173		373				**373**	200	200	200	200	200	200	200	200	200	**2,173**
Unallocated	15,293	15,293	-	676				**676**	1,679	1,679	343	1,626	1,858	1,858	1,858	1,858	1,858	**15,293**
Total Council Wide Capital budgets	**17,466**	**17,466**	**-**	**1,049**	**-**	**-**	**-**	**1,049**	**1,879**	**1,879**	**543**	**1,826**	**2,058**	**2,058**	**2,058**	**2,058**	**2,058**	**17,466**
Total Expenditure	**232,906**	**157,059**	**75,847**	**98,134**	**(1,388)**	**-**	**(7,207)**	**89,539**	**33,773**	**45,971**	**22,351**	**7,883**	**6,678**	**6,678**	**6,678**	**6,678**	**6,678**	**232,906**
Expected Capital Resources																		
General Capital Funding																		
General Capital Funding - General Capital Grant	33,896	33,896	-	8,282				**8,282**	3,270	3,270	2,725	2,724	2,725	2,725	2,725	2,725	2,725	**33,896**
General Capital Funding - Supported Borrowing	41,112	41,112	-	3,953				**3,953**	4,744	4,744	3,953	3,953	3,953	3,953	3,953	3,953	3,953	**41,112**
Capital Receipts - Schools	2,986	2,986	-	331				**331**		1,762	846							**2,939**
Capital Receipts - General	20,267	20,267	-	19,753	40		(606)	**19,187**	606			521						**20,314**
Earmarked Reserves	44,921	44,921	-	21,376	(997)		(2,721)	**17,658**	14,639	11,062	781							**44,139**
Revenue Contribution	1,797	1,797	-	1,655	29			**1,684**	57	56								**1,797**
Prudential Borrowing (Directorate Funded)	3,474	3,474	-	3,474			(850)	**2,624**	850									**3,474**
Prudential Borrowing (Corporately Funded)	4,300	4,300	-	4,300				**4,300**										**4,300**
Local Govt Borrowing Initiative (Highways Infrastructure)	-	-	-					**-**										**-**
Local Govt Borrowing Initiative (Coastal defence)	1,559	1,559	-	1,559				**1,559**										**1,559**
SALIX Interest Free Loan - WG	487	487		487				**487**										**487**
Llynfi Development Site Loan - WG	2,260	2,260	-	2,260				**2,260**										**2,260**
Sub-Total General Capital Funding	**157,059**	**157,059**	**-**	**67,430**	**(928)**	**-**	**(4,177)**	**62,325**	**24,166**	**20,894**	**8,305**	**7,198**	**6,678**	**6,678**	**6,678**	**6,678**	**6,678**	**156,277**
External Funding Approvals																		
WG - Highways Grant	-	-	-					**-**										**-**
WG - Other	9,339	-	9,339	6,835	3,286		(2,550)	**7,571**	2,550									**10,121**
WG - 21st Century Schools	45,883	-	45,883	953				**953**	5,440	24,759	14,046	685						**45,883**
School's Capital Maintenance Grant	-	-	-					**-**										**-**
WG - Enable Grant	810	-	810	270				**270**	270	270								**810**
WG - Safe Routes in Communities	-	-	-					**-**										**-**
WG - Integrated Care Fund (ICF)	480	-	480	480			(480)	**-**	480									**480**
WG - Welsh Medium Capital Grant	2,751	-	2,751	2,481	270			**2,751**										**2,751**
WG - Infant Class Size Grant	-	-	-					**-**										**-**
WG- VRP/Transforming Towns	-	-	-					**-**										**-**
WG - TRI	-	-	-					**-**										**-**
Westminster	960	-	960	960				**960**										**960**
S106	1,684	-	1,684	769				**769**	867	48								**1,684**
Cardiff Capital Region (CCR)	5,000	-	5,000	5,000				**5,000**										**5,000**
Transport Grant	6,070	-	6,070	5,388				**5,388**										**5,388**
Heritage Lottery Fund (HLF)	-	-	-	682				**682**										**682**
EU	1,248	-	1,248	5,984	(4,736)			**1,248**										**1,248**
Other	1,622	-	1,622	902	720			**1,622**										**1,622**
Sub-Total External Funding Approvals	**75,847**	**-**	**75,847**	**30,704**	**(460)**	**-**	**(3,030)**	**27,214**	**9,607**	**25,077**	**14,046**	**685**	**-**	**-**	**-**	**-**	**-**	**76,629**
Total Funding Available	**232,906**	**157,059**	**75,847**	**98,134**	**(1,388)**	**-**	**(7,207)**	**89,539**	**33,773**	**45,971**	**22,351**	**7,883**	**6,678**	**6,678**	**6,678**	**6,678**	**6,678**	**232,906**
Funding Shortfall/(Surplus)	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**

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APPENDIX C

PRUDENTIAL AND OTHER INDICATORS 2021-22 and 2022-23

The Prudential Indicators are required to be set and approved by Council in accordance with CIPFA's Prudential Code for Capital Finance in Local Authorities. Table 1 shows the 2021-22 actual capital expenditure, the capital programme approved by Council on 23 February 2022 and the latest projection for the current financial year which has incorporated slippage of schemes from 2021-22 together with any new grants and contributions or changes in the profile of funding.

Table 1: Prudential Indicator: Estimates of Capital Expenditure

	2021-22 Actual £m	2022-23 Estimate (Council Feb 22) £m	2022-23 Projection £m
Council Fund services	29.741	69.979	89.059
Investment Properties	-	-	0.480
TOTAL	**29.741**	**69.979**	**89.539**

All capital expenditure must be financed, either from external sources (government grants and other contributions), the Council's own resources (revenue, reserves and capital receipts) or net financing requirement (borrowing, leasing and Private Finance Initiative). The planned financing of the expenditure has been projected as follows:

Table 2: Capital financing

	2021-22 Actual £m	2022-23 Estimate (Council Feb 22) £m	2022-23 Projection £m
External sources	18.152	26.078	34.714
Own resources	1.020	30.993	39.642
Net Financing Requirement	10.569	12.908	15.183
TOTAL	**29.741**	**69.979**	**89.539**

The net financing requirement or 'debt' is only a temporary source of finance, since loans and leases must be repaid, and this is therefore replaced over time by other financing, usually from revenue which is known as the Minimum Revenue Provision (MRP). As well as MRP, the Council makes additional voluntary revenue contributions to pay off Prudential or Unsupported Borrowing. The total of these are shown in Table 3 below:-

Table 3: Replacement of debt finance

	2021-22 Actual £m	2022-23 Estimate (Council Feb 22) £m	2022-23 Projection £m
Minimum Revenue Provision (MRP)	2.970	**3.187**	**3.187**
Additional Voluntary Revenue Provision (VRP)	3.553	**2.476**	**1.866**
Total MRP & VRP	**6.523**	**5.663**	**5.053**
Other MRP on Long term Liabilities	**0.801**	**0.863**	**0.863**
Total Own Resources	**7.324**	**6.526**	**5.916**

The Council's cumulative outstanding amount of debt finance is measured by the Capital Financing Requirement (CFR). This increases with new debt-financed capital expenditure and reduces by the MRP amount within the year. Based on the above figures for expenditure and financing, the Council's estimated CFR is as follows, based on the movement on capital expenditure at quarter 1:

Table 4: Prudential Indicator: Estimates of Capital Financing Requirement

	2021-22 Actual £m	2022-23 Estimate £m	2022-23 Projection £m
Capital Financing Requirement			
Opening CFR excluding PFI & other liabilities	157.404	166.729	161.451
Opening PFI CFR	15.567	14.766	14.765
Total opening CFR	**172.971**	**181.495**	**176.216**
Movement in CFR excluding PFI & other liabilities	4.046	7.245	10.130
Movement in PFI CFR	(0.801)	(0.863)	(0.863)
Total movement in CFR	**3.245**	**6.382**	**9.267**
Closing CFR	**176.216**	**187.877**	**185.483**
Movement in CFR represented by:			
Net financing need for year (Table 2 above)	10.569	12.908	15.183
Minimum and voluntary revenue provisions	(6.523)	(5.663)	(5.053)
MRP on PFI and other long term leases (Table 3)	(0.801)	(0.863)	(0.863)
Total movement	**3.245**	**6.382**	**9.267**

The capital borrowing need (Capital Financing Requirement) has not been fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow has been used

as a temporary measure. This is known as Internal Borrowing. Projected levels of the Council's total outstanding debt, which comprises of borrowing, PFI and Other Long Term Liabilities, are shown below compared with the Capital Financing Requirement:-

Table 5: Prudential Indicator: Gross Debt and the Capital Financing Requirement

	2021-22 Actual £m	**2022-23 Estimate (Council Feb 22) £m**	**2022-23 Projection £m**
Debt (incl. PFI & leases)	118.864	**123.052**	**119.394**
Capital Financing Requirement	176.216	**193.918**	**185.483**

Statutory guidance is that debt should remain below the capital financing requirement, except in the short-term. As can be seen, the Council expects to comply with this in the medium term.

The Council is legally obliged to set an affordable borrowing limit (also termed the authorised limit for external debt) each year. In line with statutory guidance, a lower "operational boundary" is also set as a warning level should debt approach the limit.

Table 6: Prudential Indicators: Authorised limit and operational boundary for external debt in £m

	2021-22 Actual £m	**2022-23 Estimate (Council Feb 22) £m**	**2022-23 Projection £m**
Authorised limit – borrowing	170.000	**170.000**	170.000
Authorised limit – other long term liabilities	30.000	**30.000**	30.000
Authorised Limit Total	**200.00**	**200.000**	**200.000**
Operational boundary – borrowing	120.000	**130.000**	130.000
Operational boundary – other long term liabilities	25.000	**25.000**	25.000
Operational Boundary Limit Total	**145.000**	**155.000**	**155.000**
Total Borrowing and Long Term Liabilities	**118.864**	**123.052**	**119.394**

Although capital expenditure is not charged directly to the revenue budget, interest payable on loans and MRP are charged to revenue, offset by any investment income receivable. The

net annual charge is known as financing costs; this is compared to the net revenue stream i.e. the amount funded from Council Tax, business rates and general government grants.

Table 7: Prudential Indicator: Proportion of financing costs to net revenue stream

	2021-22 Actual £m	2022-23 Estimate (Council Feb 22) £m	2022-23 Projection £m
Capital Financing Central	6.719	7.205	6.806
Other Financing costs	5.500	4.423	3.813
TOTAL FINANCING COSTS	**12.219**	**11.628**	**10.619**
Proportion of net revenue stream	4.49%	4.26%	3.89%

This shows that in 2022-23, it is forecast that 3.89% of our net revenue income will be spent paying back the costs of capital expenditure.

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER – FINANCE, PERFORMANCE AND CHANGE

TREASURY MANAGEMENT – QUARTER 1 REPORT 2022-23

1. Purpose of report

1.1 The purpose of this report is to:

- comply with the requirement of the Chartered Institute of Public Finance and Accountancy's 'Treasury Management in the Public Services: Code of Practice' to produce interim Treasury Management reports
- report on the projected Treasury Management Indicators for 2022-23.

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 The Treasury Management Report is integral to the delivery of all of the Council's well-being objectives as the allocation of resources determines the extent to which the well-being objectives can be delivered.

3. Background

3.1 Treasury management is the management of the Council's cash flows, borrowing and investments, and the associated risks. The Council is exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of financial risk are therefore central to the Council's prudent financial management.

3.2 Treasury risk management at the Council is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's (CIPFA) 'Treasury Management in the Public Services: Code of Practice' 2017 Edition (the CIPFA Code) which requires the Council to approve a Treasury Management Strategy (TMS) before the start of each financial year. The CIPFA Code also requires

the Council to set a number of Treasury Management Indicators, which are forward looking parameters and enable the Council to measure and manage its exposure to treasury management risks, and these are included throughout this report. In addition, the Welsh Government (WG) issued revised Guidance on Local Authority Investments in November 2019 that requires the Council to approve an Investment Strategy before the start of each financial year. This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the Welsh Government Guidance.

3.3 In December 2021 CIPFA published a new edition of the Prudential Code for Capital Finance in Local Authorities (the Prudential Code). The Prudential Code requires Local Authorities to determine a Capital Strategy, which is a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The definition of investments covers all the financial assets of the Council as well as other non-financial assets which the authority holds primarily for financial return. However, a significant change in the Code is that, in order to comply with the Code, an authority must not borrow to invest primarily for financial return. The Code does not require existing commercial investments, including property, to be sold, however it does set out that authorities who have a need to borrow should review options for exiting their financial investments for commercial purposes. The Council's Capital Strategy 2022-23, complying with CIPFA's requirement, includes the Prudential Indicators along with details regarding the Council's non-treasury investments. The Capital Strategy and TMS should be read in conjunction with each other as they are interlinked as borrowing and investments are directly impacted upon by capital plans and were approved together by Council on 23rd February 2022.

3.4 The Council's treasury management advisors are Arlingclose Ltd. The current services provided to the Council include:

- advice and guidance on relevant policies, strategies and reports
- advice on investment decisions
- notification of credit ratings and changes
- other information on credit quality
- advice on debt management decisions
- accounting advice
- reports on treasury performance
- forecasts of interest rates
- training courses

4. Current situation/proposal

4.1 The Council has complied with its legislative and regulatory requirements during 2022-23. The TMS 2022-23 was approved by Council on 23rd February 2022. The Half Year Report for 2022-23 will be reported to Council for noting in November 2022.

4.2 A summary of the treasury management activities for April 2022 – June 2022 is shown at table 1 in **Appendix A**. Since the start of the financial year the Council

has had surplus funds for investment. At the 2021-22 year end the Council was able to set aside additional reserves and during April the Council received two instalments of Welsh Government core funding (Revenue Support Grant) of £14.6 million per instalment. As a result, the balance on investments at 30 June 2022 has increased from £84.07 million in the previous quarter 4 for 2021-22, to £102.2 million with an average rate of interest of 0.61%.

4.3 The Council has not taken long-term borrowing since March 2012. The TMS approved for 2022-23 included an assumption that the Council would need to borrow £9.36 million during the year, based on the Council holding £76 million usable reserves that it could use in the short term to finance expenditure. These figures were based on the assumption that the Council's reserves would reduce by £11.04 million from balances held at 31 March 2021. However, as a result of slippage in the Capital Programme 2021-22, the actual use of reserves during 2021-22 was much lower and the amount needed to be drawn down to fund the capital programme in 2022-23 significantly lower than anticipated. In addition the Council received £20.6 million from the Welsh Government Hardship Fund during 2021-22, which was more than had been anticipated during the year, as well as further additional grants from Welsh Government in the final quarter of 2021-22 which enabled the Council to set aside £27.62 million in additional reserves in 2021-22. However, it is important to note that while the use of usable reserves in lieu of new borrowing is prudent, it is a short-term position and as the reserves are used for specific projects it will become necessary to borrow in the future to finance capital expenditure. Based on the current capital programme and the expected use of reserves allocated therein, it is expected that there will not be a requirement for new long-term borrowing in 2022-23. Detail on forecast capital spend is provided in the Capital Strategy 2022-23 which was approved by Council on 23 February 2022 and the 2021-22 Capital Monitoring Outturn.

4.4 Restructuring of the debt portfolio, and in particular the Lender Option Borrower Option (LOBO) loans has been previously considered. The LOBOs have two trigger points during the year at which point the lender may consider offering the Council the option to repay the loan without penalty. At the current interest rates the lender is not likely to exercise that option. Any renegotiation of the LOBO would result in a premium payable by the Council. At current rates the premium would far outweigh the savings achievable. The Council will continue to review its long-term lending and would take the option to repay these loans at no cost if it has the opportunity and is cost effective to do so.

4.5 Table 4 in section 4 of **Appendix A** details the movement of the investments by counterparty types and shows the average balances, investment income received, average original duration and weighted average interest rates from April 2022 to June 2022.

4.6 The TM Code requires the Council to set and report on a number of Treasury Management Indicators. The indicators either summarise the expected activity or introduce limits upon the activity. Details of the estimates for 2022-23 set out in the Council's TMS, against current projections, are shown in **Appendix A** and these show that the Council is operating in line with the approved limits.

4.7 The Council defines high credit quality as organisations and securities having a credit rating of A- or higher and **Appendix B** shows the equivalence table for credit ratings for Fitch, Moody's and Standard & Poor's and explains the different investment grades.

5. Effect upon policy framework and procedure rules

5.1 As required by Financial Procedure Rule 22.3 within the Council's Constitution, all investments and borrowing transactions have been undertaken in accordance with the TMS 2022-23 as approved by Council with due regard to the requirements of the CIPFA's Code of Practice on Treasury Management in the Public Services.

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 the report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or 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.

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 only and is retrospective in nature 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 reflected within the report.

9. Recommendations

9.1 It is recommended that Cabinet:

- note 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.

Carys Lord
Chief Officer – Finance, Performance and Change
September 2022

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Background documents:

None

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APPENDIX A

SUMMARY OF TREASURY MANAGEMENT ACTIVITIES 2022-23
1 APRIL TO 30 JUNE 2022

1. External Debt and Investment Position

On 30 June 2022, the Council held £99.78 million of external long-term borrowing and £102.20 million of investments. The Council's external debt and investment position for 1 April to 30 June 2022 is shown below in Table 1; more detail is provided in section 3 - Borrowing Strategy and Outturn - and section 4 - Investment Strategy and Outturn. It should be noted that the long term debt and liabilities figures shown below include the short term element of those long term liabilities.

Table 1: External debt and investment position 1 April 2022 to 30 June 2022

	Principal 01/04/2022 £m	Average Rate 01/04/2022 %	Principal 30/06/2022 £m	Average Rate 30/06/2022 %
External Long Term Borrowing:				
Public Works Loan Board	77.62	4.70	77.62	4.70
Lender's Option Borrower's Option	19.25	4.65	19.25	4.65
Salix Loans	2.68	0.00	2.91	0.00
Total External Borrowing	**99.55**	**4.55**	**99.78**	**4.55**
Other Long Term Liabilities (LTL):				
Private Finance Initiative (PFI)*	14.77		14.55	
Other LTL	0.39		0.35	
Total Other Long Term Liabilities	**15.16**		**14.90**	
Total Gross External Debt	**114.71**		**114.68**	
Treasury Investments:				
Debt Management Office	30.20	0.54	25.50	0.76
Local Authorities	45.50	0.37	44.00	0.38
Banks	8.37	0.53	10.70	0.85
Money Market Fund**	0.00	0.00	22.00	0.83
Total Treasury Investments	**84.07**	**0.43**	**102.20**	**0.61**
Net Debt	**30.64**		**12.48**	

* (PFI) arrangement for the provision of a Secondary School in Maesteg 12 years remaining term
** these funds provide instant access

Where a Council finances capital expenditure by debt, it must put aside revenue resources to repay that debt in later years and this amount charged to revenue is called the Minimum Revenue Provision (MRP). The Local Authority (Capital Finance and Accounting) (Amendment) (Wales) Regulations 2008 requires the Council to produce and approve an annual Minimum Revenue Provision (MRP) Statement before the start of the financial year that details the methodology for

the MRP charge and this is detailed in the Council's Capital Strategy. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. The Council's current strategy is to delay the need to borrow externally by temporarily using cash it holds for other purposes such as earmarked reserves. This is known as internal borrowing. This strategy is prudent as investment returns are low and counterparty risk is relatively high. The CFR is forecast to increase from 2021-22 levels due to the amount of prudential borrowing in the capital programme in future years. The Loans CFR (which excludes PFI & Other Long-Term Liabilities) is estimated to be £167.78 million as shown in table 2 below.

The liability benchmark measures the Council's projected net debt requirement plus a short-term liquidity allowance in the form of minimum cash and investment balances. The purpose of the benchmark is to set the level of risk which the Council regards as its balanced or normal position. The forecast liability benchmark, or level of debt, as at 31 March 2023 is £57.47 million, which is lower than the estimate within the TMS. Long-term borrowing as at 30 June 2022 was £99.78 million. As the Council has available reserves it can use them to fund capital expenditure in the short term, which is a prudent approach to managing its cash resources. Table 2 below has been produced using estimates of capital spend and forecasts on usable reserves for the current financial year. The Loans CFR ignores cash balances and may be too high if the authority benefits from long term positive cash flows which this Council does benefit from. The benchmark assumes that cash and investment balances are kept to a minimum level of £10 million at each year-end to maintain sufficient liquidity but minimise credit risk.

Table 2: Liability benchmark

	2021-22 Actual £m	**2022-23 Estimate TMS £m**	**2022-23 Projection £m**
Loans Capital Financing Requirement	162.31	180.02	167.78
Less: Usable reserves	(141.69)	(76.29)	(120.31)
Plus: Actual/Minimum investments	10	10	10
Liability Benchmark	**30.62**	**113.73**	**57.47**

2. External Context

Having seen two interest rate rises toward the back end of 2021-22 of 0.25% each it took the base rate to 0.75%. During the first quarter of this year two further 0.25% rate increases were introduced in May 2022 and June 2022 raising the base rate to 1.25% the highest it had been since January 2009. During this period the Russian invasion of Ukraine continued and has exacerbated global inflation trends, particularly around food and energy. The rise in energy and fuel prices has been a significant factor behind the UK's

Consumer Price Index (CPI) moving up to 9% in June 2022. High substantial inflation is likely to lead to zero or negative GDP growth for Q2 2022 onwards in the UK, due to negative real household disposable income growth. Although fiscal intervention will assist it will not totally alleviate it. Data suggested that households were starting to curtail spending during the period and the use of built-up savings and wage growth would only partly offset the impact, although the latter is also likely to contribute to the sustained inflation. The Bank of England had thought that monetary tightening alongside the sharp fall in real income would pull inflation back to target over the medium term. Inflation has however exceeded the Bank's expectations with no immediate sign of stopping.

The Monetary Policy Committee (MPC) minutes for June 2022 indicated that larger upward moves in Bank Rate are a possibility if inflationary pressures continue. In response markets have priced in a much steeper path for Bank Rate, although some believe the MPC will be relatively more cautious, albeit to a higher level than previously expected.

3. Borrowing Strategy for 1 April to 30 June 2022

At 30 June 2022, the Council held £99.78 million of long-term loans as part of its strategy for funding previous years' capital programmes. The TMS 2022-23 forecast that the Council would need to borrow £9.36 million in 2022-23. Currently however it is anticipated that the Council will not need to enter into any new long-term borrowing in the current year (excluding any Salix energy schemes). Short term borrowing may be necessary as part of managing the Council's short-term cash flow needs, however this will be closely monitored throughout the year. This will be dependent on the progress of the Capital Programme expenditure and the use of available earmarked reserves during the remainder of the year. More detail on forecast capital spend is provided in the Capital Strategy 2022-23 which was approved by Council on 23 February 2022. The Capital Outturn and Quarter 1 Monitoring reports presented to Council on 20 July 2022 provide further updates in relation to the Capital Programme.

The Council's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required. The flexibility to renegotiate loans, should the Council's long-term plans change, is a secondary objective. Therefore the major objectives to be followed in 2022-23 are:

- to minimise the revenue costs of debt
- to manage the Council's debt maturity profile i.e. to leave no one future year with a high level of repayments that could cause problems in re-borrowing
- to effect funding in any one year at the cheapest cost commensurate with future risk
- to monitor and review the level of variable interest rate loans in order to take greater advantage of interest rate movement

- to reschedule debt if appropriate, in order to take advantage of potential savings as interest rates change
- to optimise the use of all capital resources including borrowing, both supported and unsupported, usable capital receipts, revenue contributions to capital and grants and contributions

The impact of the Covid-19 pandemic and ongoing conflict in Ukraine have left, and is continuing to make, a defined imprint on the economy, public finances in general, as well as on local government funding in particular. With uncertainty going forward, the Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio. The ever-increasing uncertainty over future interest rates increases the risks associated with treasury activity. As a result, the Council will take a cautious approach to its treasury strategy. As short-term interest rates are currently much lower than long term rates, it is likely to be more cost effective in the short term to either use internal resources or take out short term loans instead.

The Council's primary objective for the management of its debt is to ensure its long-term affordability. The majority of its loans have therefore been borrowed from the Public Works Loan Board (PWLB) at long term fixed rates of interest, but we will also investigate other sources of finance, such as Welsh Government and local authority loans and bank loans that may be available at more favourable rates. Following the increase in the numbers of local authorities taking out PWLB loans to buy commercial properties for yield, a UK government consultation by HM Treasury issued revised lending terms for PWLB borrowing by local authorities in November 2020. As a condition of accessing the PWLB, local authorities must confirm that there is no intention to buy investment assets primarily for yield in the current or next two financial years. Local authorities' Section 151 Officers, or equivalent, will be required to confirm that capital expenditure plans are current and that the plans are within acceptable use of the PWLB. Whilst this in itself does not preclude the Council from investing in commercial activities, investing in assets for yield would preclude the Council from accessing PWLB borrowing. In December 2021, CIPFA published a new edition of the Prudential Code for Capital Finance in Local Authorities. A significant change to the Code is that, in order to comply with the Code, an authority must not borrow to invest primarily for financial return. It goes further to clarify that "*it is not prudent for local authorities to make any investment or spending that will increase the capital financing requirement, and so lead to new borrowing, unless directly and primarily related to the functions of the authority and where any financial returns are either related to the financial viability of the project in question or otherwise incidental to the primary purpose"*.

The last time the Council took out long term borrowing was £5 million from the PWLB in March 2012. Should the need to borrow materialise as expected it is likely that we would look to borrow from the PWLB. For estimate purposes it has been assumed that this would be over 30 years. The Council may also take out short term loans (normally for up to one month) to cover unexpected cash flow shortages. Market conditions have meant that there has been no

rescheduling of the Council's long term borrowing so far this year however, in conjunction with the Council's Treasury Management advisors Arlingclose, the loan portfolio will continue to be reviewed for any potential savings as a result of any loan rescheduling.

The £19.25 million Lender's Option Borrower's Option (LOBO) loans in table 1 above have a maturity date of 2054, however these may be re-scheduled in advance of this maturity date. The LOBO rate and term may vary in the future depending upon the prevailing market rates, the lender exercising their option to increase rates at one of the bi-annual trigger points (the trigger dates being July and January) and therefore, the Council being given the option to accept the increase or to repay the loan without incurring a penalty. The lender didn't exercise their option on 22 July 2022. The lender is unlikely to exercise their option in the current low interest rate environment, however, an element of refinancing risk still remains. The Council would likely take the option to repay these loans at no cost if it has the opportunity to do so in the future. The current average interest rate for these LOBO's is 4.65% compared to the PWLB Loans average interest rate of 4.70%. The premiums payable to renegotiate the Council's Lender's Option Borrower's Option (LOBO) continues to be cost prohibitive.

The Treasury Management indicator shown in Table 3 below is for the Maturity Structure of Borrowing and is set for the forthcoming financial year to control the Council's exposure to refinancing risk with respect to the maturity of the Council's external borrowing and has been set to allow for the possible restructuring of long term debt where this is expected to lead to an overall saving or reduction in risk. It is the amount of projected borrowing maturing in each period as a percentage of total projected borrowing. The upper and lower limits on the maturity structure of borrowing set out in the TMS 2022-23 and the projections for 2022-23 are set out below.

Table 3: Treasury Management Indicator Maturity Structure of Borrowing 2022-23

Refinancing rate risk indicator Maturity structure of borrowing 2020-21	TMS 2022-23 Upper limit %	TMS 2022-23 Lower limit %	Projection 31-06-23 %
Under 12 months	50	-	19.50
12 months and within 24 months	25	-	0.43
24 months and within 5 years	25	-	13.38
5 years and within 10 years	40	-	14.07
10 years and within 20 years	50	-	16.15
20 years and above	60	25	36.47

The 19.50% shown in Table 3 above includes £19.25 million LOBO loans which may be re-scheduled in advance of their maturity date of 2054, as detailed in the paragraph above. The CIPFA Code requires the maturity of LOBO loans to be shown as the earliest date on which the lender can require payment, i.e. the option/call dates in 2022-23, so the maturity date is actually uncertain but is shown in the "Under 12 months" category as per the Code.

4. Investment Strategy and Outturn 1 April to 30 June 2022

Both the CIPFA Code and the WG Guidance require the Council to invest its funds prudently and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, balancing the risk of incurring losses from defaults against receiving unsuitably low investment income.

The major objectives during 2022-23 are to:

- Maintain capital **security**
- Maintain **liquidity** so funds are available when expenditure is needed
- Achieve a **yield** on investments commensurate with the proper levels of security and liquidity

The Annual Investment Strategy incorporated in the Council's TMS 2022-23 includes the credit ratings defined for each category of investments and the liquidity of investments. The Council's investments have historically been placed in mainly short-term bank and building society unsecured deposits and local and central government. However, investments may be made with any public or private sector organisations that meet the minimum credit criteria and investment limits specified in the Investment Strategy. The majority of the Council's surplus cash is currently invested in Money Market Funds and with other local authorities, but the Council will continue to look at investment options in line with the limits detailed in the Investment Strategy. Arlingclose constantly stress test the financial institutions on its recommended counterparty list, as a result removing or in some cases adding back a number of those removed during the pandemic on its recommended list for unsecured deposits and revising the credit rating, outlook and recommended deposit period for a number of others. The Council takes into account updated advice from its advisors before making any investment decisions.

The Council holds surplus funds representing income received in advance of expenditure plus balances and reserves and as shown in Table 1 above, the balance on investments at 30 June 2022 was £102.20 million. Table 4 below details these investments by counterparty type. The average investment rate in the period 1 April to 30 June 2022 was 0.61% (Table 4).

Table 4: Investments Profile 1 April to 30 June 2022

Investment Counterparty Category	Balance 01 April 2022 (A) £m	Investments raised (B) £m	Investments Repaid (C) £m	Balance 30 June 2022 (A+B-C) £m	Investment income received* Apr - Jun 2022 £'000	Average original duration of the Investment Days	Weighted average investment balance Apr - Jun 2022 £m	Weighted average interest rate Apr - Jun 2022 %
Government DMO	30.20	127.30	132.00	25.50	42.62	20	30.34	0.76%
Local Authorities	45.50	11.00	12.50	44.00	16.95	270	45.94	0.38%
Banks (Fixed Maturity)	3.00	9.00	9.00	3.00	6.08	39	3.00	0.85%
Banks Instant Access/Notice Period Account	5.37	28.00	25.67	7.70	6.86	-	7.17	0.57%
Money Market Fund (Instant Access)	-	27.50	5.50	22.00	29.57		22.66	0.83%
Total/Average	**84.07**	**202.80**	**184.67**	**102.20**	**102.08**	**82**	**109.11**	**0.61%**

*actual income received in year excluding accruals

The Treasury Management indicator shown below in Table 5 is for Principal Sums Invested for periods longer than a year. Where the Council invests, or plans to invest, for periods longer than a year, an upper limit is set for each forward financial year period for the maturing of such investments. The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of long-term investments. The limit on the long-term principal sum invested to final maturities beyond the period end are set out in the TMS 2022-23.

Table 5: Treasury Management Indicator Principal Sums Invested for periods longer than a year

Price risk indicator	TMS 2022-23 £m	Projection 31-3-23 £m
Limit on principal invested beyond financial year end	15	Nil

All investments longer than 365 days (non-specified) will be made with a cautious approach to cash flow requirements and advice from Arlingclose will be sought as necessary.

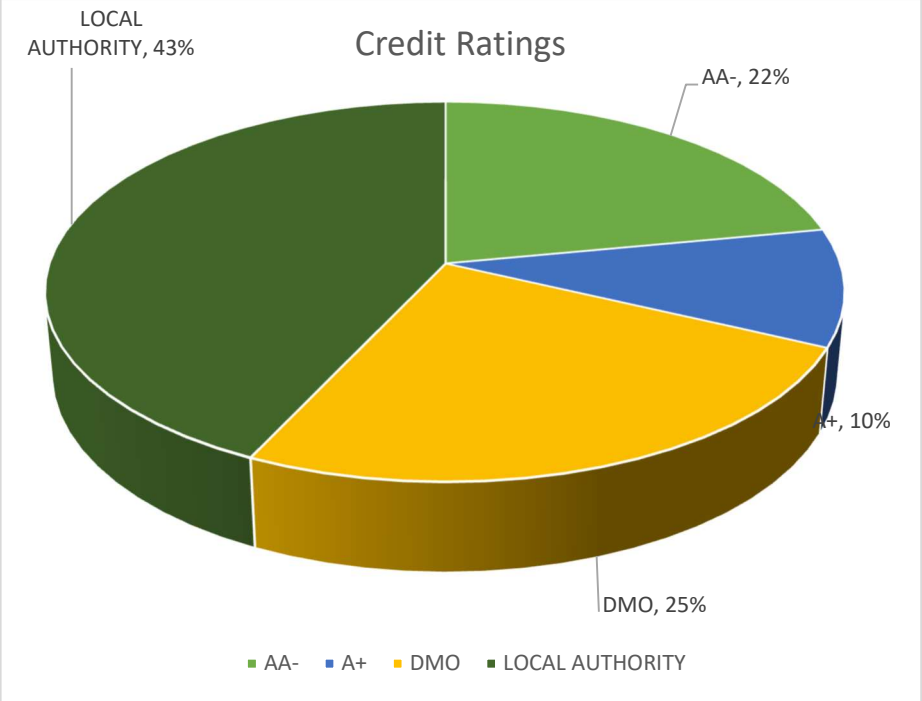
There were no long-term investments (original duration of 12 months or more) outstanding at 30 June 2022. All investments at 30 June 2022 were short term deposits including Government Debt Management Office (DMO), Money Market Funds, Local Authorities, instant access and notice accounts. Table 6 below details these investments by counterparty type based on the remaining maturity period at 30 June 2022.

Table 6: Investments Outstanding Maturity Profile 30 June 2022

Counterparty Category	Instant Access £m	Deposits maturing within 1 month £m	Deposits maturing within 2 – 3 months £m	Deposits maturing within 4 – 12 months £m	TOTAL £m
Government DMO		25.50			25.50
Local Authorities		3.00	9.00	32.00	44.00
Banks	4.70		6.00		10.70
Money Market Funds	22.00				22.00
TOTAL	**26.70**	**28.50**	**15.00**	**32.00**	**102.20**

Investment decisions are made by reference to the lowest published long-term credit rating from a selection of external rating agencies to ensure that this lies within the Council's agreed minimum credit rating. Where available the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account. **Appendix B** shows the equivalence table for credit ratings for three of the main rating agencies: Fitch, Moody's, and Standard & Poor's, and explains the different investment grades. The Council defines high credit quality as organisations and securities having a credit rating of A- or higher that are domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher.

The pie chart below summarises Table 6 by credit ratings and shows the £102.20 million investments at 30 June 2022 by percentage. Most Local Authorities do not have credit ratings and the 22% invested with AA- rated MMF's were on an approved counterparty by Arlingclose, whilst the remainder of the investments all had a credit rating of A or above. Arlingclose continually monitor approved counterparties and will issue advice as appropriate should any counterparty cause any concerns. This includes temporarily suspending any new investments in counterparties if appropriate.



5. Interest Rate Exposures – Borrowing and Investments

The Council is exposed to interest rate movements on its borrowings and investments. Movements in interest rates have a complex impact on the Council depending on how variable and fixed interest rates move across differing financial instrument periods. Short term and variable rate loans expose the Council to the risk of short-term interest rate rises and are therefore subject to the Treasury Management indicator in Table 7 below to manage Interest Rate Exposures.

Table 7: Treasury Management Indicator Interest Rate Exposures

Interest rate risk indicator	Indicator £'000	As at 30.06.2022 £'000
One year revenue impact of a 1% rise in interest rates	(537)	(807)
One year revenue impact of a 1% fall in interest rates	726	999

This has been set as an **indicator** (not a limit) to measure the net impact over one year on the revenue account of both a 1% rise and a 1% fall in all interest rates for borrowing net of treasury investments. This is calculated at a point in time on the assumption that maturing loans and investments will be replaced at rates 1% higher or lower than they would otherwise have been on their maturity dates and that the treasury investment and borrowing portfolios remain unchanged over the coming year. Interest rates can move by more than 1% over the course of a year and, given the current economic climate, this may well be the case for the UK during 2022-23.

The figures for the 1% fall in interest rates indicator are not the same figures as the 1% rise in interest rates (but reversed) as the borrowing relates to variable LOBO loans where it is assumed that the lender would not exercise their option if there was a fall in interest rates. All other borrowing does not have a rate reset in the next year and is with the PWLB at fixed rates

APPENDIX B

Credit Rating Equivalence Table

	Description	Fitch		Moody's		Standard & Poor's	
		Long	Short	Long	Short	Long	Short
INVESTMENT GRADE	Extremely strong	AAA	F1+	Aaa	P-1	AAA	A-1+
	Very strong	AA+		Aa1		AA+	
		AA		Aa2		AA	
		AA-		Aa3		AA-	
	Strong	A+		A1		A+	A-1
		A	F1	A2		A	
		A-		A3		A-	A-2
	Adequate	BBB+	F2	Baa1	P-2	BBB+	
		BBB		Baa2		BBB	
		BBB-	F3	Baa3	P-3	BBB-	A-3
SPECULATIVE GRADE	Speculative	BB+	B	Ba1	Not Prime (NP)	BB+	B
		BB		Ba2		BB	
		BB-		Ba3		BB-	
	Very speculative	B+		B1		B+	
		B		B2		B	
		B-		B3		B-	
	Vulnerable	CCC+	C	Caa1		CCC+	C
		CCC		Caa2		CCC	
		CCC-		Caa3		CCC-	
		CC		Ca		CC	
		C				C	
	Defaulting	D	D	C		D	D

Standard & Poor's (S&P), Moody's and Fitch are the three most significant rating agencies in the world. These agencies rate the creditworthiness of countries and private enterprises.

"AAA" or "Aaa" is the highest rating across all three rating agencies and indicates the highest level of creditworthiness. A "D" rating ("C" rating from Moody's) indicates poor creditworthiness of a company or government. A difference is made between short-term and long-term ratings.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER – FINANCE, PERFORMANCE AND CHANGE

ANNUAL TREASURY MANAGEMENT OUTTURN REPORT 2021-22

1. Purpose of report

1.1 The purpose of this report is to:

- Comply with the requirement of the Chartered Institute of Public Finance and Accountancy's 'Treasury Management in the Public Services: Code of Practice' (the Code) to report an overview of treasury activities for the preceding financial year.
- Report on the actual Treasury Management Indicators for 2021-22.

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 The Annual Treasury Management Outturn Report is integral to the delivery of all the Council's well-being objectives as the allocation of resources determines the extent to which the well-being objectives can be delivered.

3. Background

3.1 Treasury Management is the management of the Council's cash flows, borrowing and investments, and the associated risks. The Council is exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of financial risk are therefore central to the Council's prudent financial management.

3.2 Treasury risk management at the Council is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's (CIPFA's) Treasury Management in the Public Services: Code of Practice 2017 edition (the CIPFA Code), which requires the Council to approve a Treasury Management Strategy (TMS) before the start of each financial year, and, as a minimum, a semi-annual and annual treasury outturn report. The CIPFA Code

also requires the Council to set a number of Treasury Management Indicators, which are forward looking parameters, and enable the Council to measure and manage its exposure to treasury management risks, and these are included throughout this report. In addition, Welsh Government (WG) issued revised Guidance on Local Authority Investments in November 2019 that requires the Council to approve an Investment Strategy before the start of each financial year. This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the Welsh Government Guidance.

3.3 In 2017 CIPFA also published an updated version of the Prudential Code for Capital Finance in Local Authorities (the Prudential Code). The updated Prudential Code includes a requirement for Local Authorities to provide a Capital Strategy, which is a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The definition of investments in the revised 2017 CIPFA Code covers all the financial assets of the Council as well as other non-financial assets which the authority holds primarily for financial return. The Council's Capital Strategy 2021-22, complying with CIPFA's requirement, includes the Prudential Indicators along with the details regarding the Council's non-treasury investments. The Capital Strategy and TMS should be read in conjunction with each other as they are interlinked, as borrowing and investments are directly impacted upon by capital plans and both were approved together by Council on 24 February 2021.

3.4 The Council's treasury management advisors are Arlingclose. The current services provided to the Council include:

- advice and guidance on relevant policies, strategies and reports
- advice on investment decisions
- notification of credit ratings and changes
- other information on credit quality
- advice on debt management decisions
- accounting advice
- reports on treasury performance
- forecasts of interest rates
- training courses

4. Current situation/proposal

4.1 Economic Context

4.1.1 The continuing economic recovery from the coronavirus pandemic, together with the war in Ukraine, rising inflation, and higher interest rates were major issues over the 2021-22 financial year. The Bank Base rate was 0.1% at the beginning of the reporting period. April and May 2021 saw the economy gathering momentum as the pandemic restrictions were eased. Despite the improving outlook, market expectations were that the Bank of England would delay interest rate rises until 2022. However, continually rising inflation changed that. UK CPI was 0.7% in March 2021 but thereafter steadily

increased. Initially driven by increases in energy prices and by inflation in sectors such as retail and hospitality which were reopening after the pandemic lockdowns, at that time increases to inflation were believed to be temporary. However, CPI for February 2022 registered 6.2% year on year, up from 5.5% the previous month.

4.1.2 The labour market began to tighten and demand for workers grew strongly as employers found it increasingly difficult to find workers to fill vacant jobs. Having peaked at 5.2% in December 2020, unemployment continued to fall and the three months to March 2022 showed the unemployment rate at 3.7% while the employment rate rose to 75.7%.

4.1.3 Having increased the Bank Base rate from 0.1% to 0.25% in December 2021, the Bank of England raised it further to 0.5% in February 2022 and 0.75% in March 2022. In its March interest rate announcement, the Monetary Policy Committee (MPC) noted that the invasion of Ukraine had caused further large increases in energy and other commodity prices, with the expectation that the conflict will worsen supply chain disruptions around the world and push CPI inflation to around 8% later in 2022. The Committee also noted that although Gross Domestic Product (GDP) in January 2022 was stronger than expected, consumer confidence had fallen due to the squeeze in real household incomes.

4.2 Revised CIPFA Codes, Updated Public Works Loan Board (PWLB) Lending Facility Advice

4.2.1 In August 2021 HM Treasury significantly revised guidance for the PWLB lending facility. Authorities that are purchasing or intending to purchase investment assets primarily for yield, or financial return, will not be able to access the PWLB except to refinance existing loans or externalise internal borrowing. Acceptable use of PWLB borrowing includes service delivery, housing, regeneration, preventative action, refinancing and treasury management.

4.2.2 CIPFA published its revised Prudential Code for Capital Finance and Treasury Management Code on 20 December 2021. The key changes in the two codes are around permitted reasons to borrow, knowledge and skills, and the management of non-treasury investments. The Codes will be fully implemented in the 2023-24 financial year. To comply with the Prudential Code authorities must not borrow to invest primarily for financial return. The Prudential Code also states it is not prudent for local authorities to make investment or spending decisions that will increase the Capital Financing Requirement (CFR) unless directly and primarily related to the functions of the authority. Existing commercial investments are not required to be sold, however, authorities with existing commercial investments who expect to need to borrow should review the options for exiting these investments. Unlike the Prudential Code, there is no mention of the date of the initial application in the Treasury Management Code. The Council will follow the same process as the Prudential Code, i.e. delaying changes in reporting requirements to the 2023-24 financial year.

4.3 Treasury Management Outturn 2021-22

4.3.1 The Council has complied with its legislative and regulatory requirements during 2021-22. The TMS 2021-22 was approved by Council on 23 February 2021 with the Half Year Report presented to Council on 20 October 2021. Quarterly reports were also presented to Cabinet, and Governance and Audit Committee for scrutiny, during 2021-22.

4.3.2 A summary of the treasury management activities for 2021-22 is shown in **Appendix A**. The Council's external debt and investment position for 1 April 2021 to 31 March 2022 is shown in Table 1 below, and more detail is provided in **Appendix A** Section 2, Borrowing Strategy and Outturn, and Section 3, Investment Strategy and Outturn. No long-term borrowing was taken out in 2021-22 and no debt rescheduling was undertaken as there were no significant savings to be made. However, should the opportunity arise to reschedule any loans at a preferential rate, this would be done. Favourable cash flows have provided surplus funds for investment and the balance on investments at 31 March 2022 was £84.07 million, with an average interest rate of 0.43%. This was an increase from the balances at 31 March 2021, when the balance held was £51.55 million at a weighted average interest rate of 0.21%. Table 4 in **Appendix A** details the movement of the investments by counterparty types and shows the average balances, interest received, original duration and interest rates for 2021-22.

Table 1: Council's external debt and investment position 1 April 2021 to 31 March 2022

	Principal 01/04/2021 £m	Average Rate 01/04/2021 %	Principal 31/03/2022 £m	Average Rate 31/03/2022 %
External Long Term Borrowing:				
Public Works Loan Board	77.62	4.70	77.62	4.70
Lender's Option Borrower's Option	19.25	4.65	19.25	4.65
Salix Loans	1.64	0.00	2.68	0.00
Total External Borrowing	**98.51**	**4.69**	**99.55**	**4.69**
Other Long Term Liabilities (LTL):				
Private Finance Initiative (PFI)*	14.77		13.90	
Other LTL	0.69		0.23	
Total Other Long Term Liabilities	**15.46**		**14.13**	
Total Gross External Debt	**113.97**		**113.68**	
Treasury Investments:				
Debt Management Office	0.00	0.00	30.20	0.54
Local Authorities	48.50	0.22	45.50	0.34
Banks	1.00	0.05	8.37	0.53
Money Market Fund**	2.05	0.02	0.00	0.00
Total Treasury Investments	**51.55**	**0.21**	**84.07**	**0.43**
Net Debt	**62.42**		**29.61**	

* Arrangement for the provision of a Secondary School in Maesteg 13.25 years remaining term
** These funds provide instant access

4.3.3 The £19.25 million in Table 1 above relates to Lender's Option Borrower's Option (LOBO) loans which have a maturity date of 2054 though these may be rescheduled in advance of this maturity date. The LOBO rate and term may vary in the future depending on the prevailing rates at one of the bi-annual trigger points (these being July and January) and, therefore, the Council being given the option to accept the increase or repay the loan without incurring a penalty. Although there has been recent interest rate rises, rates are still sufficiently low that it is anticipated that the lender is unlikely to exercise this option in the current low interest rate environment.

4.3.4 The Total Other Long Term Liabilities figure of £14.13 million at 31 March 2022 includes £13.90 million for the Council's Private Finance initiative (PFI) arrangement for the provision of a Secondary School in Maesteg. The Other Long Term Liabilities are for the Innovation Centre and Waste Contract.

4.3.5 Both the CIPFA Code and Welsh Government (WG) Guidance require the Council to invest its funds prudently and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return. Investment decisions are made by reference to the lowest published long-term credit rating from Fitch, Moody's or Standard and Poor's to ensure that this lies within the Councils' agreed minimum credit rating.

4.3.6 The Council defines high credit quality as organisations and securities having a credit rating of A- (A3 for Moody's) or higher and the Council does not invest in any organisation below this level. **Appendix B** shows the equivalence table for credit ratings for Fitch, Moody's, and Standard and Poor's and explains the different investment grades.

4.3.7 There were no long-term investments (original duration of 12 months or more) outstanding as at 31 March 2022. All investments at 31 March 2022 were short term deposits including instant access and notice accounts.

4.3.8 The Treasury Management Code requires the Council to set and report on a number of Treasury Management Indicators. The indicators either summarise the expected activity or introduce limits upon the activity. Details of the estimates for 2021-22 set out in the Council's TMS compared to the actual at year end are shown in **Appendix A** and these show that the Council operated within the approved limits throughout the year.

5. Effect upon policy framework and procedure rules

5.1 As required by Financial Procedure Rule 22.3 within the Council's Constitution, all investments and borrowing transactions have been undertaken in accordance with the TMS 2021-22 as approved by Council with due regard to the requirements of the CIPFA's Code of Practice on Treasury Management in the Public Services.

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 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.

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 this report is for information and is retrospective in nature 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 reflected within the report.

9. Recommendations

9.1 It is recommended that Cabinet:

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

Carys Lord
Chief Officer – Finance, Performance and Change
September 2022

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Background documents:

None

APPENDIX A

SUMMARY OF TREASURY MANAGEMENT ACTIVITIES 2021-22
1 APRIL 2021 TO 31 MARCH 2022

1. External Debt and Investment Position

On 31 March 2022, the Council held £99.55 million of external long-term borrowing and £84.07 million of investments. The Council's external debt and investment position for 1 April to 31 March 2022 is shown below in Table 1; more detail is provided in section 3 - Borrowing Strategy and Outturn - and section 4 - Investment Strategy and Outturn. The debt position includes Salix loans which are interest free and were formally show as Long Term Liabilities.

Table 1: External debt and investment position 1 April 2021 to 31 March 2022

	Principal 01/04/2021 £m	Average Rate 01/04/2021 %	Principal 31/03/2022 £m	Average Rate 31/03/2022 %
External Long Term Borrowing:				
Public Works Loan Board	77.62	4.70	77.62	4.70
Lender's Option Borrower's Option	19.25	4.65	19.25	4.65
Salix Loans	1.64	0.00	2.68	0.00
Total External Borrowing	**98.51**	**4.69**	**99.55**	**4.69**
Other Long Term Liabilities (LTL):				
Private Finance Initiative (PFI)*	14.77		13.90	
Other LTL	0.69		0.23	
Total Other Long Term Liabilities	**15.46**		**14.13**	
Total Gross External Debt	**113.97**		**113.68**	
Treasury Investments:				
Debt Management Office	0.00	0.00	30.20	0.54
Local Authorities	48.50	0.22	45.50	0.34
Banks	1.00	0.05	8.37	0.53
Money Market Fund**	2.05	0.02	0.00	0.00
Total Treasury Investments	**51.55**	**0.21**	**84.07**	**0.43**
Net Debt	**62.42**		**29.61**	

* Arrangement for the provision of a Secondary School in Maesteg 12.25 years remaining term
** These funds provide instant access

Where a Council finances capital expenditure by debt, it must put aside revenue resources to repay that debt in later years and this amount charged to revenue is called the Minimum Revenue Provision (MRP). The Local Authority (Capital Finance and Accounting) (Amendment) (Wales) Regulations 2008 requires the

Council to produce and approve an annual Minimum Revenue Provision (MRP) Statement before the start of the financial year that details the methodology for the MRP charge and this is detailed in the Council's Capital Strategy. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. The Council's current strategy is to delay the need to borrow externally by temporarily using cash it holds for other purposes such as earmarked reserves. This is known as internal borrowing. This strategy is prudent as investment returns are low and counterparty risk is relatively high. The CFR is forecast to increase from 2020-21 levels due to the amount of prudential borrowing in the capital programme in future years. The Loans CFR (which excludes PFI & Other Long Term Liabilities) as at 31 March 2022 was £162.31 million as shown in Table 2 below.

The liability benchmark measures the Council's projected net debt requirement plus a short-term liquidity allowance in the form of minimum cash and investment balances. The purpose of the benchmark is to set the level of risk which the Council regards as its balanced or normal position. The liability benchmark, or level of debt, as at 31 March 2022 was £30.62 million, which is lower than the estimate within the Treasury Management Strategy (TMS). Long-term borrowing as at 31 March 2022 was £99.55 million. As the Council has available reserves it can use them to fund capital expenditure in the short term, which is a prudent approach to managing its cash resources. Table 2 below has been produced using actual capital spend and usable reserves for the 2021-22 financial year. The Loans CFR ignores cash balances and may be too high if the authority benefits from long term positive cash flows which this Council does benefit from. The benchmark assumes that cash and investment balances are kept to a minimum level of £10 million at each year-end to maintain sufficient liquidity but minimise credit risk.

Table 2: Liability benchmark

	2020-21 Actual £m	**2021-22 Estimate TMS £m**	**2021-22 Actual £m**
Loans Capital Financing Requirement	158.21	166.35	162.31
Less: Usable reserves	(114.43)	(49.11)	(141.69)
Plus: Actual/Minimum investments	10	10	10
Liability Benchmark	**53.78**	**127.24**	**30.62**

2. Borrowing Strategy and Outturn for 1 April 2021 to 31 March 2022

At 31 March 2022, the Council held £99.55 million of long-term loans. The TMS 2021-22 forecast that the Council would need to borrow £30.37 million in 2021-22 however, as a result of both slippage in the capital programme and an increased level of reserves, the Council did not need to take out new borrowing during the year. Long term borrowing increased, but this was as a result of

schemes funded via Salex interest free borrowing. The amounts are relatively low and have repayment periods of up to 10 years. More detail on forecast capital spend is provided in the Capital Strategy 2021-22 which was approved by Council on 24 February 2021 and the Capital Monitoring outturn report to Council on 20 July 2022.

The Council's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required. The flexibility to renegotiate loans, should the Council's long-term plans change, is a secondary objective. The major objectives followed in 2021-22 were:

- to minimise the revenue costs of debt
- to manage the Council's debt maturity profile i.e. to leave no one future year with a high level of repayments that could cause problems in re-borrowing
- to effect funding in any one year at the cheapest cost commensurate with future risk
- to monitor and review the level of variable interest rate loans in order to take greater advantage of interest rate movement
- to reschedule debt if appropriate, in order to take advantage of potential savings as interest rates change
- to optimise the use of all capital resources including borrowing, both supported and unsupported, usable capital receipts, revenue contributions to capital and grants and contributions

Given the impact of the Covid-19 pandemic on the economy and public finances in general, as well as on local government funding in particular, and the uncertainty going forward, the Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio. The ever-increasing uncertainty over future interest rates increases the risks associated with treasury activity. As a result, the Council will take a cautious approach to its treasury management strategy. With short-term interest rates currently much lower than long term rates, it is likely to be more cost effective in the short term to either use internal resources or take out short term loans instead.

The Council's primary objective for the management of its debt is to ensure its long-term affordability. The majority of its loans have therefore been borrowed from the Public Works Loan Board (PWLB) at long term fixed rates of interest, but we will also investigate other sources of finance, such as Welsh Government and local authority loans and bank loans that may be available at more favourable rates. Following the increase in the numbers of local authorities taking out PWLB loans to buy commercial properties for yield, following a UK government consultation HM Treasury issuing revised lending terms for PWLB borrowing by local authorities in November 2020. As a condition of accessing the PWLB, local authorities will be asked to confirm that there is no intention to buy investment assets primarily for yield in the current or next two financial years. Local authorities' Section 151 Officers, or

equivalent, will be required to confirm that capital expenditure plans are current and that the plans are within acceptable use of the PWLB. Whilst this in itself does not preclude the Council from investing in commercial activities, investing in assets for yield would preclude the Council from accessing PWLB borrowing. In December 2021, CIPFA published a new edition of the Prudential Code for Capital Finance in Local Authorities. A significant change to the Code is that, in order to comply with the Code, an authority must not borrow to invest primarily for financial return. It goes further to clarify that "*it is not prudent for local authorities to make any investment or spending that will increase the capital financing requirement, and so lead to new borrowing, unless directly and primarily related to the functions of the authority and where any financial returns are either related to the financial viability of the project in question or otherwise incidental to the primary purpose"*.

The last time the Council took out long term borrowing was £5 million from the PWLB in March 2012. Should there be a need to borrow it is likely to be from the PWLB. For estimate purposes it has been assumed that this would be over 30 years. The Council may also take out short term loans (normally for up to one month) to cover unexpected cash flow shortages. Market conditions have meant that there has been no rescheduling of the Council's long term borrowing so far this year however, in conjunction with the Council's Treasury Management advisors Arlingclose, the loan portfolio will continue to be reviewed for any potential savings as a result of any loan rescheduling.

The £19.25 million in Table 1 above relates to Lender's Option Borrower's Option (LOBO) loans which have a maturity date of 2054, however these may be re-scheduled in advance of this maturity date. The LOBO rate and term may vary in the future depending upon the prevailing market rates, the lender exercising their option to increase rates at one of the bi-annual trigger points (the trigger dates being July and January) and therefore, the Council being given the option to accept the increase or to repay the loan without incurring a penalty. The lender did not exercise their option on 22 July 2022 and the next trigger point is 22 January 2023. The lender is unlikely to exercise their option in the current low interest rate environment, however, an element of refinancing risk remains. The Council would take the option to repay these loans at no cost if it has the opportunity to do so in the future. The current average interest rate for these LOBO's is 4.65% compared to the PWLB Loans average interest rate of 4.70%. The premiums payable to renegotiate the Council's Lender's Option Borrower's Option (LOBO) continues to be cost prohibitive.

The Treasury Management indicator shown in Table 3 below is for the Maturity Structure of Borrowing and is set to control the Council's exposure to refinancing risk with respect to the maturity of the Council's external borrowing and has been set to allow for the possible restructuring of long term debt where this is expected to lead to an overall saving or reduction in risk. It is the amount of projected borrowing maturing in each period as a percentage of total projected borrowing. The upper and lower limits on the maturity structure of borrowing set out in the TMS 2021-22 and the outturn for 2021-22 are:

Table 3: Treasury Management Indicator Maturity Structure of Borrowing 2021-22

Refinancing rate risk indicator Maturity structure of borrowing 2020-21	TMS 2021-22 Upper limit %	TMS 2021-22 Lower limit %	Actual 31-3-22 %
Under 12 months	50	-	19.67
12 months and within 24 months	25	-	0.32
24 months and within 5 years	25	-	13.10
5 years and within 10 years	40	-	14.12
10 years and within 20 years	50	-	16.24
20 years and above	60	25	36.55

The 19.67% shown in Table 3 above includes the £19.25 million LOBO loans which may be re-scheduled in advance of their maturity date of 2054, as detailed above. The CIPFA Code requires the maturity of LOBO loans to be shown as the earliest date on which the lender can require payment, i.e. the option/call dates in 2022-23, so the maturity date is actually uncertain but is shown in the "Under 12 months" category as per the Code. The balance of the 19.67% are Salix loans.

3. Investment Strategy and Outturn 1 April 2021 to 31 March 2022

Both the CIPFA Code and the WG Guidance require the Council to invest its funds prudently and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, balancing the risk of incurring losses from defaults against receiving unsuitably low investment income.

The major objectives during 2021-22 were:

- Maintain capital **security**
- Maintain **liquidity** so funds are available when expenditure is needed
- Achieve a **yield** on investments commensurate with the proper levels of security and liquidity

The Annual Investment Strategy incorporated in the Council's TMS 2021-22 includes the credit ratings defined for each category of investments and the liquidity of investments. The Council's investments have historically been placed in mainly short-term bank and building society unsecured deposits and local and central government. However, investments may be made with any public or private sector organisations that meet the minimum credit criteria and investment limits specified in the Investment Strategy. The majority of the Council's surplus cash is currently invested in Money Market Funds and with other local authorities, but the Council will continue to look at investment options in line with the limits detailed in the Investment Strategy. The Council takes into account updated advice from its advisors before making any investment decisions.

The Council holds surplus funds representing income received in advance of expenditure plus balances and reserves and as shown in Table 1 above, the balance on investments at 31 March 2022 was £84.07 million. Table 4 below details these investments by counterparty type. The weighted average investment rate in the period 1 April 2022 to 31 March 2022 was 0.12% (Table 4) and was 0.43% at 31 March 2022 (Table 1 – Total Treasury Investments).

Table 4: Investments Profile 1 April 2021 to 31 March 2022

Investment Counterparty Category	Balance 01 April 2021 (A) £m	Investments raised (B) £m	Investments Repaid (C) £m	Balance 31 March 2022 (A+B-C) £m	Investment income received* Apr 2021-Mar 2022 £'000	Average original duration of the Investment Days	Weighted average investment balance Apr 2021-Mar 2022 £m	Weighted average interest rate Apr 2021-Mar 2022 %
Government DMO	-	323.74	293.54	30.20	9.98	14	13.27	0.08
Local Authorities	48.50	75.00	78.00	45.50	86.34	117	39.63	0.17
Banks (Fixed Maturity)	1.00	36.00	34.00	3.00	7.30	28	2.96	0.14
Banks Instant Access/Notice Period Account	-	134.37	129.00	5.37	0.32	-	7.38	0.07
Building Societies	-	-	-	-	-	-	-	-
Money Market Fund (Instant Access)	2.05	85.07	87.12	-	15.65	-	21.49	0.08
Total/Average	**51.55**	**654.18**	**621.66**	**84.07**	**119.59**	**66**	**84.73**	**0.12**

*actual income received in year excluding accruals

The Treasury Management indicator shown below in Table 5 is for Principal Sums Invested for periods longer than a year. Where the Council invests, or plans to invest, for periods longer than a year, an upper limit is set for each forward financial year period for the maturing of such investments. The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of long-term investments. The limit on the long-term principal sum invested to final maturities beyond the period end are set out in the TMS 2021-22.

Table 5: Treasury Management Indicator Principal Sums Invested for periods longer than a year

Price risk indicator	TMS 2021-22 £m	Actual 31 Mar 22 £m
Limit on principal invested beyond financial year end	15	Nil

All investments longer than 365 days (non-specified) will be made with a cautious approach to cash flow requirements and advice from Arlingclose will be sought as necessary.

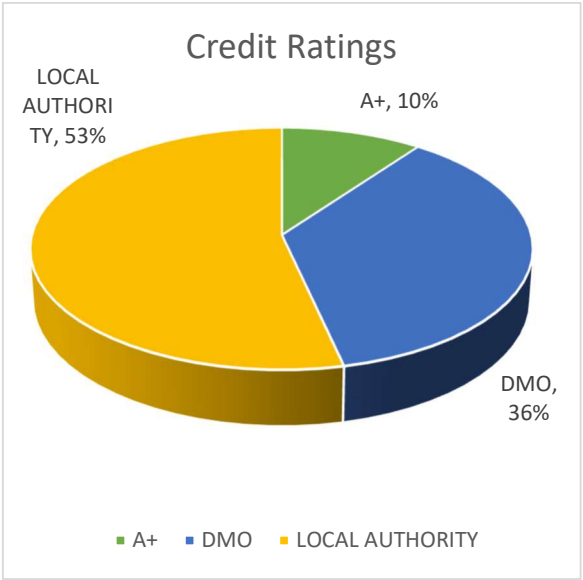
There were no long-term investments (original duration of 12 months or more) outstanding at 31 March 2022. All investments at 31 March 2022 were short term deposits including Government Debt Management Office (DMO), Money Market Funds, Local Authorities, instant access and notice accounts. Table 6 below details these investments by counterparty type based on the remaining maturity period at 31 March 2022:

Table 6: Investments Outstanding Maturity Profile 31 March 2022

Counterparty Category	Instant Access £m	Deposits Maturing Within 1 Month £m	Deposits Maturing Within 2-3 Months £m	Deposits Maturing Within 4-12 Months £m	Total £m
Government DMO		30.20			30.20
Local Authorities		3.00	3.00	39.50	45.50
Banks	5.37	3.00			8.37
Total	**5.37**	**36.20**	**3.00**	**39.50**	**84.07**

Investment decisions are made by reference to the lowest published long-term credit rating from a selection of external rating agencies to ensure that this lies within the Council's agreed minimum credit rating. Where available the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account. **Appendix B** shows the equivalence table for credit ratings for three of the main rating agencies: Fitch, Moody's, and Standard & Poor's, and explains the different investment grades. The Council defines high credit quality as organisations and securities having a credit rating of A- or higher that are domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher.

The pie chart below summarises Table 6 by credit ratings and shows the £84.07 million investments at 31 March 2022 by percentage. Most local authorities do not have credit ratings whilst the remainder of the investments all had a credit rating of A or above. The Debt Management Office (DMO) is the UK sovereign government and rated AA- as at 31 March 2022.



4. Interest Rate Exposures – Borrowing and Investments

The Council is exposed to interest rate movements on its borrowings and investments. Movements in interest rates have a complex impact on the Council depending on how variable and fixed interest rates move across differing financial instrument periods. Short term and variable rate loans expose the Council to the risk of short-term interest rate rises and are therefore subject to the Treasury Management indicator in Table 7 below to manage Interest Rate Exposures.

Table 7: Treasury Management Indicator Interest Rate Exposures

Interest rate risk indicator	Indicator £'000	As at 31 Mar 22 £'000
One year revenue impact of a 1% rise in interest rates	(273)	(521)
One year revenue impact of a 1% fall in interest rates	474	714

This has been set as an **indicator** (not a limit) to measure the net impact over one year on the revenue account of both a 1% rise and a 1% fall in all interest rates for borrowing net of treasury investments. This is calculated at a point in time on the assumption that maturing loans and investments will be replaced at rates 1% higher or lower than they would otherwise have been on their maturity dates and that the treasury investment and borrowing portfolios remain unchanged over the coming year. Interest rates can move by more than 1% over the course of a year, although such instances are rare.

The figures for the 1% fall in interest rates indicator are not the same figures as the 1% rise in interest rates (but reversed) as the borrowing relates to variable LOBO loans where it is assumed that the lender would not exercise their option if there was a fall in interest rates. All other borrowing does not have a rate reset in the next year and is with the PWLB at fixed rates

APPENDIX B

Credit Rating Equivalence Table

	Description	Fitch		Moody's		Standard & Poor's	
		Long	Short	Long	Short	Long	Short
INVESTMENT GRADE	Extremely strong	AAA	F1+	Aaa	P-1	AAA	A-1+
	Very strong	AA+		Aa1		AA+	
		AA		Aa2		AA	
		AA-		Aa3		AA-	
	Strong	A+	F1	A1		A+	A-1
		A		A2		A	
		A-	F2	A3	P-2	A-	A-2
	Adequate	BBB+		Baa1		BBB+	
		BBB		Baa2		BBB	
		BBB-	F3	Baa3	P-3	BBB-	A-3
SPECULATIVE GRADE	Speculative	BB+	B	Ba1	Not Prime (NP)	BB+	B
		BB		Ba2		BB	
		BB-		Ba3		BB-	
	Very speculative	B+		B1		B+	
		B		B2		B	
		B-		B3		B-	
	Vulnerable	CCC+	C	Caa1		CCC+	C
		CCC		Caa2		CCC	
		CCC-		Caa3		CCC-	
		CC		Ca		CC	
		C				C	
	Defaulting	D	D	C		D	D

Standard & Poor's (S&P), Moody's and Fitch are the three most significant rating agencies in the world. These agencies rate the creditworthiness of countries and private enterprises.

"AAA" or "Aaa" is the highest rating across all three rating agencies and indicates the highest level of creditworthiness. A "D" rating ("C" rating from Moody's) indicates poor creditworthiness of a company or government. A difference is made between short-term and long-term ratings.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER- FINANCE, PERFORMANCE AND CHANGE

APPROVAL FOR TENDER OF ANNUAL INSURANCE POLICIES

1. Purpose of report

1.1 The purpose of this report is to seek approval to proceed to tender for competitive quotations for the Council's annual insurance policies that fall due for renewal on 31 March 2023.

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 Whilst the Council's insurance policies are annual contracts, they are also subject to Long Term Agreements which can be for a 3 or 5 year period which allows for rating and budgeting stability. The current Long Term Agreements end in March 2023 and a retender is required. This will be carried out by Marsh UK who are the Council's appointed Insurance brokers.

4. Current situation/proposal

4.1 The Annual insurance policies purchased by the Council fall due for renewal on 31 March 2023. The current annual value of the annual insurance policies is £1,038,326.85. The indicative total value for a five year Long Term Agreement is £5,191,634.25.

5. Effect upon policy framework and procedure rules

5.1 There will be no direct effect on the 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 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 A further report on the outcome of the financial implications from the tendering process for the annual insurance policies will be placed before Cabinet for Cabinet's further consideration.

9. Recommendations

9.1 Cabinet is recommended to approve 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.

9.2 Cabinet is recommended to note that Cabinet will receive a further report 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.

Carys Lord
Chief Officer - Finance, Performance & Change
4 October 2022

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Background documents: None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE MONITORING OFFICER

CONSTITUTION AND CONSTITUTION GUIDE

1. Purpose of report

1.1 The purpose of this report is for Cabinet to approve the revised constitution and constitution guide in relation to the Executive functions prior to submission to full Council.

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 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** – 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 37 of the Local Government Act 2000 requires 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 considers appropriate.

3.2 Each County Council has its own individual constitution to reflect that Council's particular circumstances with differences as to the documents it believes appropriate to include in its constitution.

3.3 Section 45 of the Local Government and Elections (Wales) Act 2021 (the Act) now requires principal councils to publish a constitution guide which explains 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).

4. Current situation/proposal

4.1 The All Wales Monitoring Officers' Group, via funding from the Welsh Local Government Association, commissioned Browne Jacobson to draft a new model constitution and a model constitution guide due to provisions coming into force under the Act. A report was presented to Council on 20 January 2021 detailing the main provisions of the Act.

4.2 The new model constitution has been considered by each local authority and has become common place. The style of the new constitution is more intelligible to the public and there is less duplication. Whilst the new model contains detailed provisions, adopting the model constitution does not require all of those detailed provisions to be adopted and therefore following a local review by officers, some of the Council's existing detailed provisions concerning procedure rules, codes of conduct and protocols have been retained in order to preserve continuity and retain the valuable work that has been done over the years in reviewing each part of the existing constitution.

4.3 Whilst the revised draft constitution (**Appendix 1**) looks quite different from the current version, by its very nature, the document largely comprises the same elements. These include Procedural Rules for Council, the Executive and Scrutiny Committees, Financial Procedure Rules, Contract Procedure Rules and Member Code of Conduct. In reality, the extent of actual changes in terms of how the Council works are quite small as the general view is that significant elements of the current constitution remain "fit for purpose". Consequently, significant elements of the sections governing how the Full Council, the Executive and the Scrutiny Committees operate remain largely the same, if not identical, to the current version.

4.4 Attached at **Appendix 2** to this report is a constitution guide based on the Browne Jacobson model guide and adapted to reflect the Council's constitutional arrangements. A guide summarising all the provisions of the constitution is also attached as **Appendix 3**.

4.5 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 as part of its improvement journey. **Appendix 4** summarises the issues identified through discussions from the Working Group and sets out a series of recommendations arising from the Group for consideration as a means of improving the Council's good governance. Since the last meeting of the Working Group, it should be noted that further amendments have been made to the Officers' Code of Conduct (Section 20) following consultation with Trade Unions. If Cabinet were minded to approve the recommendations of the Working Group and the constitution in so far as they relate to the Executive functions, then the constitution and guide could be implemented following approval by Full Council to take effect from 1 December 2022.

5. Effect upon policy framework and procedure rules

5.1 The revised constitution will require approval by Cabinet and Council and will be published on the Council's website together with the constitution guides.

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act 2010, 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 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications arising from this report.

9. Recommendations

9.1 It is recommended that Cabinet:

- Approve the recommendations of the Democratic Services Working Group in so far as they relate to the Executive functions (**Appendix 4**);
- Approve the revised constitution (**Appendix 1**) and constitution guide (**Appendix 2 & 3**) in relation to the Executive functions;
- Note that a report will be presented to Council on 19 October 2022 seeking approval to adopt the revised constitution and guide with effect from 1 December 2022.

K Watson
Chief Officer – Legal and Regulatory Services, HR and Corporate Policy and Monitoring Officer
September 2022

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Background documents: None

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Appendix 1

BRIDGEND COUNTY BOROUGH COUNCIL CONSTITUTION

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CONSTITUTION

SECTION 1

1. INTRODUCTION

1.1 Purpose and Content of the Constitution

1.1.1 The Constitution describes the various bodies that make up the Council, their functions, Membership and procedural rules.

1.1.2 In Section 3 (Getting Information and Getting Involved) we have provided information for members of the public and Councillors on how you can get information about the Council, and how you can get involved. We hope that this will help people who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.

1.1.3 You can get a better understanding of what each of the Council's bodies do in Sections 4 to 10 of this Constitution, including Full Council, Cabinet, Overview and Scrutiny Committees, Standards Committee and Regulatory Committees. Section 12 provides information on the management and Officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for functions at Section 14 says which Council bodies, and which Officers, have authority to make which decisions.

1.1.4 The procedural rules that apply to the different Council bodies are contained in the sections relating to those bodies, eg Full Council (Section 4), the Cabinet (Section 5) and Overview and Scrutiny (Section 7). You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.

1.1.5 Sections **Error! Reference source not found.** to 0 have the Codes of Conduct and Protocols which Officers and Members have agreed to comply with. They set the standards of behaviour.

1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

1.2 How the Council Operates

1.2.1 The Council is comprised of 51 Councillors elected every four years. Each Councillor is democratically accountable to the residents of their electoral division as well as all of those who live in the County Borough of Bridgend. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.

1.2.2 All Councillors have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising on the Code of Conduct.

1.2.3 All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall Policy Framework and set the Budget each year. The Council appoints the Leader of the Council at the annual meeting. The Leader then decides the size and Membership of the Cabinet i.e the role of individual Members of the Cabinet and arrangements for the exercise and delegation of Executive Functions. The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution, together with making decisions within the Budget and Policy Framework set by the Council.

If you need any further help please do not hesitate to contact us at: talktous@bridgend.gov.uk

Whilst the Constitution is very long we hope that you will find it easy to use. We have spent a lot of time trying to make it as easy to follow as is possible with such a long and complex legal document.

You may find it helpful to read this Constitution in conjunction with the Constitution Guide, which is available on the Council's website.

SECTION 2

2. PURPOSE, DEFINITION INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

2.1 Purpose of the Constitution

The purpose of the Constitution is to:

2.1.1 enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;

2.1.2 support the active involvement of citizens in the process of local authority decision making;

2.1.3 help Councillors represent their constituents more effectively;

2.1.4 enable decisions to be taken efficiently and effectively;

2.1.5 create a powerful and effective means of holding decision makers to public account;

2.1.6 ensure that no one will scrutinise a decision in which they are directly involved;

2.1.7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

2.1.8 provide a means of improving the delivery of services to the community.

2.2 Definitions in the Constitution

2.2.1 The Constitution of the Council is this document (Sections 1 to 0).

2.2.2 Within the Constitution the following words and phrases have the meaning set out below:

"Budget"	the overall revenue and capital budget approved by Full Council (Section 4);
"Chief Executive"	an Officer who must be appointed by law to carry out certain functions. See Section 12 for more details;
"Chief Officer"	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who: • reports directly to the Chief Executive in respect of all or most of his/her duties; or • the Chief Executive is directly responsible for;
"Constitution Guide"	a document which explains, in ordinary language, the content of this constitution, published by the Council in accordance with section 37 of the Local Government Act 2000;

"Corporate Joint Committee"	corporate bodies, established via regulation, comprising specified principal councils in Wales, for the purpose of enabling strategic planning and delivery at a regional scale. See section 11 for details of the Corporate Joint Committee that the Council is a member of, and the functions that the Corporate Joint Committee will perform;
"Corporate Team"	the senior management body for Officers (Section 12). It includes those Officers designated by the Chief Executive from time to time as Members of the Corporate Team;
"Councillor"	a person elected to the Council to represent an area (called an electoral division) within Bridgend County Borough Council;
"Data Protection Legislation"	the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and all other laws relating to the use, protection and privacy of personal data;
"Deputy Chief Officer"	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who reports directly to a Chief Officer in respect of all or most of his/her duties;
"Executive"	the Cabinet or a Member or Members of the Cabinet when exercising Executive Functions;
"Executive Decision"	any decision taken by the Cabinet to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Cabinet has delegated Executive Functions to exercise or refrain exercising those functions;
"Executive Function"	(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Executive Function. (b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions. It should be noted that Regulatory functions such as planning licensing and building control, are not Executive Functions;
"Forward Work Programme"	the Forward Work Programme is a document which lists all of the decisions that the Council and the Cabinet intend to take and what business the Overview and Scrutiny Committees will be considering and when

	those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;
"Full Council"	the body where all Councillors act to exercise functions of the Council;
"Local Choice Functions"	there are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion;
"Local Government (Wales) Measure 2011"	referred to as "The Measure". Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, overview and scrutiny, county councils and Member payments;
"Member"	either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called "a Co-Opted Member");
"Member Body"	any of the following: • Full Council; • Cabinet ; • an Overview and Scrutiny Committee; • Licensing Committee; • Standards Committee; • Development Control Committee; • Appeals Panel; • Governance and Audit Committee; • Democratic Services Committee; Note - references to Committee also includes Sub-Committee;
"Monitoring Officer"	an Officer who must be appointed by law to carry out certain functions. See Section 12 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 12 for which Officer is the Monitoring Officer;
"Non-Executive Functions"	any function which may only be exercised by Full Council (whether by loca2.l choice or as a matter of law) or which is delegated to a Member Body other than the Cabinet;
"Petition Scheme"	a scheme prepared and published pursuant to section 42 of the Local Government and Elections (Wales) Act

	2021 (and reviewed from time to time) for the purpose of setting out: - • how a petition may be submitted to the Council; • how and when the Council will acknowledge receipt of a petition; • the steps the Council will take in response to a petition received by it; • the circumstances (in any) in which the Council may take no further action in response to a petition; and • how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public.
"Planning Application"	any of the following: • application for planning permission (including renewal); • application for approval of reserved matters; • application for listed building consent; • application relating to trees; • proposal to serve an urgent works notice or acquire a listed building in need of repair; • application for conservation area consent; • application for advertisement consent; • application to vary or remove conditions on a planning condition;
"Policy Framework"	See Section 4.2;
"Public Services Board"	the public services board established for the Council's local authority area under Part 4 of the Well-being of Future Generations (Wales) Act 2015;
"Section 151 Officer"	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 12 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 12 for which Officer is the Section 151 Officer;
"Service"	one of the services provided by the Council;

"Single Integrated Plan (SIP)"	this is the single plan for the area that reflects the needs of the local population. The SIP builds on and brings together in one document the joint work previously developed through the Community Plan, as well as the Community Safety, Children and Young Peoples and the Health Social Core and Wellbeing Partnership Plan.

2.3 **Interpretation of the Constitution**

2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.

2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant procedure rules.

2.3.3 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.

2.4 **Duty to Monitor and Review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Section 0 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to Section 0 to the next available Council meeting for noting.

2.5 **Protocol for Monitoring and Review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may:

2.5.1 observe meetings of different parts of the Member and Officer structure;

2.5.2 undertake an audit trail of a sample of decisions;

2.5.3 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and,

2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

2.6 **Changes to the Constitution**

2.6.1 Approval

Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by the Full Council after consideration of a proposal by the Monitoring Officer or on the recommendation of the Cabinet.

2.6.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

(a) a minor variation; or

(b) required to be made to remove any inconsistency, ambiguity or typographical correction; or

(c) required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,

in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the next Full Council meeting for information.

2.6.3 Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.

2.7 Suspension of the Constitution

2.7.1 Limit to Suspension

Any of the procedure rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

2.7.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this Section.

2.8 Publication

2.8.1 The Monitoring Officer will ensure that copies of this Constitution are available for inspection at Council offices and on the Council's website.

2.8.2 The Monitoring Officer will ensure that copies of the Constitution Guide are available for inspection at Council offices and on the Council's website.

2.8.3 The Monitoring Officer will give an electronic copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council and thereafter ensure that an up to date version is available for inspection and published on the Council's website.

2.8.4 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.

SECTION 3

3. GETTING INFORMATION AND GETTING INVOLVED

3.1 Getting Information

3.1.1 Information Available to Members of the Public

(a) *When Meetings of the Member Bodies Will Take Place*

A programme of meetings is available by contacting the Council direct or via the website.

(b) *Forward Work Programme*

From the Forward Work Programme, see what decisions will be taken by the Cabinet or Council and what issues the Overview and Scrutiny Committees will be considering and when these matters will be discussed.

(c) *Information Available Prior to a Meeting*

At least three clear days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection at the offices of the Council and on the website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any report will be made available to the public as soon as it is available and sent to Councillors.

(d) *Information Available at a Meeting*

The Council will make available to members of the public who are physically present at a meeting a reasonable number of copies of the agenda and of the reports for the meeting (save during any part of the meeting to which the public are excluded).

(e) *Information Available After a Meeting*

For a period of six years the agenda, reports and the minutes of the meeting shall be available for inspection. The background papers shall remain open for inspection for a period of four years.

(f) *Council's Accounts*

The Public may inspect the Council's accounts and make their views known to the external auditor (sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 201, the accounts will be available for public inspection for twenty working days after the date appointed by the auditor.

Information which is confidential or exempt (as defined in paragraphs 15.10.3 and 15.10.4) will not be disclosed to members of the public at any time.

3.1.2 Information Available to Members of the Council

(a) Members can see any information, which is available to a member of the public.

(b) In addition, a Member may see any information which he or she needs to know in order to fulfil his or her role as a Member of the Council (otherwise known as “need to know”). A Member will not make public information which is confidential or exempt (as defined in Section 15) without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisation(s) entitled to know it.

3.1.3 Members of an Overview and Scrutiny Committee

A Member of an Overview and Scrutiny Committee may also see any document containing material relating to:

(a) any business transacted at a meeting of the Cabinet;

(b) any decision taken by an individual Member of the Cabinet.

An Overview and Scrutiny Committee Member is not be entitled to:

(c) any document in draft form;

(d) any part of a document which contains confidential or exempt information unless that information is relevant to an action or decision they are reviewing or scrutinising or intending to scrutinise and which is included in the Committee’s Forward Work Programme.

No Member is entitled to see any information relating to a matter in which he or she has a prejudicial interest.

3.1.4 Information Available to Officers

The Monitoring Officer, the Section 151 Officer and the Chief Executive may see any papers or records held by any part of the Council or its Officers. Other Officers may see any information held by the Council provided:

(a) they need to see the information to do their job; and

(b) that information is processed lawfully in accordance with the Data Protection Legislation.

3.2 **Getting Involved**

3.2.1 The Council must encourage local people to participate in the making of decisions by the Council. See the Council’s public participation strategy for more information.

3.2.2 Members of the Public

Members of the public can get involved in the following ways:

(a) *Voting for Councillors*

If they are over 16 years and registered as a local elector with the Council.

(b) *Suggesting Items of Business for Meetings*

A member of the public can seek to get a matter included in an agenda by:

(i) asking the Chair of any Member Body to add an item to the agenda; and/or

(ii) attending a meeting of the body and suggesting that it looks at an issue when it is considering "items of future business relating to the functions of the Member Body".

(c) *Submitting Petitions*

A member of the public can seek to raise a matter with the Council by submitting a petition in accordance with the Council's Petition Scheme.

(d) *Taking Part in Meetings*

(i) Members of the public can come to and speak at any meeting which the Council has resolved should include participation by members of the public. The rules on when you may speak and for how long are contained in Section 4.

(ii) You can also ask formal questions at meetings of Full Council (Section 4).

(e) *Views of the Public*

Under the arrangements put in place by the Council under section 62 of the Local Government (Wales) Measure 2011, members of the public may bring to the attention of the relevant Overview and Scrutiny Committee their views on any matter under consideration by the relevant Committee. The relevant Overview and Scrutiny Committee must take into account any views brought to their attention under these arrangements.

(f) *When are Meetings Open to the Public?*

Meetings will be open to the public wherever possible. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See section 15.10 for definition of exempt information and section 15.11 for definition of public interest.)

(g) *Making Comments/Complaints*

(i) A member of the public may comment or complain about Council services by:

(A) contacting their local Councillor;

(B) contacting the Member of the Cabinet responsible for the service;

(C) contacting the Officer responsible for delivering the service or their manager;

(D) using the Council's complaints procedure;

(E) contacting the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0300 790 0203 or via the website: www.ombudsman.wales.

(ii) Comments or complaints can be made about an Officer or Member by:

(A) *Officer*

Contacting the Officer or the Officer's manager.

(B) *Members*

If the complaint is against a Member, then the complaint should be referred to the Monitoring Officer or the Public Services Ombudsman for Wales (contact details above).

3.3 Getting Involved – Members

Members can get involved by:

3.3.1 Suggesting Items of Business for the Agenda

As a Member of the Council, you have the same rights as members of the public. In addition to these rights you also have the following rights:

(a) Member bodies in Column A can request that Member bodies in Column B consider or reconsider an issue.

Column A	Column B
Overview and Scrutiny Committees	Cabinet

(b) Any Member can submit a notice of motion to Council (Section 4) and also ask questions (Section 4).

3.3.2 Participating in Meetings

Members of the Council are entitled to attend any formal meeting of the Council, its committees or sub-committees or the Cabinet.

(a) Members of the Council may attend and speak at any meetings where they are a Member of that body. Where they are not a Member of that body, their attendance and right to speak is at the discretion of the Chair of the body.

(b) Members of the Cabinet have a special role to play within the Council. They are entitled to exercise any Executive Function provided the Executive Function has been delegated to them by the Leader of the Council.

3.3.3 Comments and Complaints

(a) Members may comment, subject to restrictions in the Code of Conduct for Members on any aspect of Council business by:

(i) talking to Officers;

(ii) talking to the Leader or Members of the Cabinet;

(iii) talking to the Chair of an Overview and Scrutiny Committee.

(b) If a Member wishes to complain about an:

(i) Officer

The procedure set out in the Protocol on Member/Officer Relations may be used.

(ii) Member

The procedure set out in Appendix 3 to Section **Error! Reference source not found.** may be followed.

SECTION 4

4. FULL COUNCIL

4.1 Introduction

The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's Budget and council tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Cabinet. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

4.2 The Policy Framework

The Policy Framework means the plans, schemes and strategies not to be the sole responsibility of the Executive in accordance with current legislation.

4.3 The Single Integrated Plan

This replaces four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young People's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

4.4 The Budget

The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 16 for how the Council can change the Policy Framework or Budget referred to it for approval by the Cabinet.)

4.5 Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Welsh Ministers for approval of a programme of disposal of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

4.6 Functions of the Full Council

Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

4.6.2 approving or adopting the Single Integrated Plan, Policy Framework, the Budget and any application to the Welsh Ministers in respect of any Housing Land Transfer;

4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 15 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a

manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;

4.6.4 appointing and removing the Leader;

4.6.5 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;

4.6.6 performing the corporate joint committee functions set out in Section 11 of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;

4.6.7 changing the name of the area or conferring the title of freedom of the Borough;

4.6.8 making or confirming the appointment of the Chief Executive; and other Chief Officers;

4.6.9 making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;

4.6.10 all Local Choice Functions set out in Section 14 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;

4.6.11 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee, approving the appointment or dismissal of the Chief Executive, determining the level (and any change in the level) of remuneration to the paid to a Chief Officer and approving the pay policy statement;

4.6.12 appointing representatives to outside bodies unless the appointment has been delegated by the Council;

4.6.13 approving, reviewing and amending the Council's Petition Scheme;

4.6.14 consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements;

4.6.15 preparing an annual report on the extent to which the Council has met its performance requirements;

4.6.16 making arrangements for a panel performance assessment and responding to the panel's report;

4.6.17 reviewing, approving and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2015 and the accompanying statutory guidance issued by the Welsh Government;

4.6.18 considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made;

4.6.19 considering annual reports received from the Standards Committee, within 3 months of them being made; and

4.6.20 keeping under review the extent to which:

(a) it is exercising its functions effectively;

(b) using its resources economically, efficiently and effectively; and

(c) its governance arrangements are effective for securing the matters set out in a) and b) above.

4.7 **Membership**

4.7.1 All Members of the Council shall be Members of Full Council.

4.7.2 Substitution is not possible at meetings of the Council.

4.7.3 Chairing the Council

(a) The Councillor elected annually by the Council as its chair will be called the "Mayor".

(b) The Mayor will cease to be Mayor if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They continue to act as Mayor after an election until their successor has been appointed.

4.7.4 Role and Function of the Mayor

The Mayor of the Council and in his/her absence, the Deputy Mayor will have the following roles and functions:

(a) *Ceremonial Role*

The Mayor of the Council:

(i) is the civic leader of Bridgend County Borough Council;

(ii) promotes the interests and reputation of the Council and Bridgend County Borough as a whole and acts as an ambassador for both; and

(iii) undertakes civic, community and ceremonial activities and fosters community identity and pride.

(b) *Responsibilities of the Mayor*

(i) to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;

(ii) to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the community;

(iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members

who are not on the Cabinet are able to hold the Cabinet and Committee Chair to account;

(iv) to promote public involvement in the Council's activities;

(v) to be the conscience of the Council; and

(vi) to attend such civic and ceremonial functions as the Council and he/she determines appropriate;

4.8 **Council Meetings**

There are three types of Council meeting:

4.8.1 the annual meeting;

4.8.2 ordinary meetings; and

4.8.3 extraordinary meetings.

4.9 **Rules of Procedure and Debate**

The Council Procedure Rules contained in the Sections below will apply to meetings of the Full Council.

4.10 **Council Procedure Rules – Annual Meeting of the Council**

4.10.1 Timing and Business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May. The annual meeting will:

(a) elect a person to preside if the Mayor and Deputy Mayor of the Council is not present;

(b) elect the Mayor of the Council;

(c) elect the Deputy Mayor of the Council;

(d) approve the minutes of the last meeting;

(e) receive any announcements from the Mayor and/or the Chief Executive;

(f) Elect the Leader of the Council;

(g) to agree the number of Members to be appointed to the Cabinet;

(h) the Leader to inform Council of the number of Members to be appointed to the Cabinet and announce the Deputy Leader from those Members appointed to the Cabinet and Members to portfolio;

(i) appoint the Overview and Scrutiny Committees, a Standards Committee and such other committees and sub-committees as the Council considers

appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 14 of this Constitution);

(j) agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Section 14 of this Constitution);

(k) approve a programme of ordinary meetings of the Council for the year; and

(l) consider any business set out in the notice convening the meeting.

4.10.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

(a) decide which committees and sub-committees to establish for the municipal year;

(b) decide the size and terms of reference for those committees;

(c) decide the allocation of seats to political groups in accordance with the political balance rules;

(d) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

4.11 **Ordinary Meetings**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

4.11.1 elect a person to preside and exercise the powers of the Mayor at the meeting if the Mayor and Deputy Mayor are not present;

4.11.2 approve the minutes of the last meeting;

4.11.3 receive any declarations of interest from Members;

4.11.4 receive any announcements from the Mayor, Chief Executive, the Leader or any Members of the Cabinet;

4.11.5 receive a report from the Leader and receive questions and answers on the report;

4.11.6 receive a report from the Cabinet and receive questions and answers on the report;

4.11.7 receive reports from the Council's committees and receive questions and answers on those reports;

4.11.8 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

4.11.9 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework, Single Integrated Plan and reports of the Overview and Scrutiny Committee;

4.11.10 consider motions; and

4.11.11 deal with questions from Members in accordance with Rule 4.19;

4.11.12 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Mayor are relevant to the business of the meeting.

4.12 Extraordinary Meetings

4.12.1 Calling Extraordinary Meetings

The Monitoring Officer may call Council meetings in addition to ordinary meetings. Those listed below may request the Monitoring Officer to call additional Council meetings:

(a) the Council by resolution;

(b) the Mayor of the Council;

(c) the Chief Executive;

(d) the Section 151 Officer;

(e) any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.12.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc, except that the Mayor may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4.13 Time, Place and Duration of Meetings

4.13.1 Time and Place of Meetings

(a) The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

(b) Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings, the summons will also include details of how to access the meeting by remote means.

4.14 Notice of and Summons to Meetings

The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 15. At least three

clear days before a meeting, the Monitoring Officer will send a summons signed by him/her to every Member of the Council. The summons will give the date, time and place of each meeting and, where meetings are conducted in accordance with the Council's arrangements for multi-locations meetings, details of how to access the meeting by remote means. The summons will also specify the business to be transacted and will be accompanied by such reports as are available.

4.15 **Chair of Meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor should instead be read as references to the chair of that committee or sub-committee.

4.16 **Quorum**

4.16.1 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.17 **Remote Attendance**

4.17.1 Members will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings providing that they can speak to, hear and be heard by, other attendees at the meeting.

4.17.2 For the purposes of section 4.17.1, attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

4.18 **Questions by the Public**

4.18.1 General

(a) Members of the public may ask questions of Members of the Cabinet at ordinary meetings of the Council other than the first ordinary meeting following the annual meeting in a year of ordinary elections of councillors to the Council.

(b) The total time allocated for questions by the public should be limited to thirty minutes.

4.18.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

4.18.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday ten working

days before the day of the meeting. Each question must give the name and address of the questioner.

4.18.4 Number of Questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

4.18.5 Scope of Questions

The Monitoring Officer may reject a question if it:

(a) is not about a matter for which the Council has a responsibility, or which affects the County Borough;

(b) is defamatory, frivolous or offensive;

(c) is substantially the same as a question which has been put at a meeting of the Council in the past six months;

(d) requires the disclosure of confidential or exempt information.

4.18.6 Record of Questions

(a) The Monitoring Officer will keep a record of each question in a form that enables them to be made available for public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

(b) Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

4.18.7 Asking the Question at the Meeting

The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

4.18.8 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds set out in Rule 4.18.5 above.

4.18.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

4.18.10 Reference of Question to the Cabinet or a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

4.19 **Questions by Members**

4.19.1 On Reports of the Cabinet or Committees

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice directly arising from an item of the report of the Cabinet or a Committee, when that item is being received or is under consideration by the Council.

4.19.2 Questions on Notice at Full Council

Except at the annual meeting or the allocated budget meeting, and subject to Rule 4.19.4, a Member of the Council may ask:

(a) the Mayor;

(b) a Member of the Cabinet;

(c) the chair of any committee or sub-committee;

a question on any matter in relation to which the Council has powers or duties or which affects the County Borough of Bridgend, as an item of business after the consideration of reports.

4.19.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 4.19.4, a Member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County Borough and which falls within the terms of reference of that committee or sub-committee, as an item of business prior to any reports.

4.19.4 Notice of Questions

A Member may ask a question under Rule 4.19.2 or 4.19.3 if either:

(a) they have given at least ten clear working days' notice in writing of the question to the Monitoring Officer; or

(b) the question relates to urgent matters, they have the consent of the Mayor or Member to whom the question is to be put and the content of the question is given to the Monitoring Officer by 10:00am on the day of the meeting in the case of an afternoon meeting or by 1:00pm on the working day preceding the day of the meeting in the case of a morning meeting.

4.19.5 Maximum Number of Questions

A Member may ask only one question under Rule 4.19.2 or 4.19.3 except with the consent of the Mayor of the Council, committee or sub-committee.

4.19.6 Order of Questions

Questions of which notice has been given under Rule 4.19.2 or 4.19.3 will be listed on the agenda in the order determined by the Mayor of the Council, committee or sub-committee.

4.19.7 Content of Questions

Questions under Rule 4.19.2 or 4.19.3 must, in the opinion of the Mayor:

(a) contain no expressions of opinion;

(b) relate to matters on which the Council has or may determine a policy;

(c) not relate to questions of fact.

4.19.8 Response

An answer may take the form of:

(a) a direct oral answer at the meeting;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated within ten working days to the questioner.

4.19.9 Supplementary Question

A Member asking a question under Rule 4.19.2 or 4.19.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

4.19.10 Length of Speeches

A Member asking a question under Rule 4.19.2 or 4.19.3 and a Member answering such a question may speak for no longer than three minutes unless the Mayor consents to a longer period.

4.19.11 Time Allowed for Questions at Council Meetings

(a) The time allowed for consideration of questions submitted under Rule 4.19.2 shall not, without the consent of the Council, exceed thirty minutes.

(b) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

4.20 **Motions on Notice**

4.20.1 Notice

Except for motions which can be moved without notice under Rule 4.21 and in cases of urgency, written notice of every motion, must be delivered to the Monitoring Officer no later than 10:00am on the tenth working day before the

Council meeting at which it is to be considered. Motions received will be kept in a form that enables them to be made available for public inspection.

4.20.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

4.20.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the County Borough.

4.20.4 Motion to Remove the Leader

(a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes councillors from at least two political groups. See Section 6.3.2.

(b) In order for such a motion to be carried it must have the support of at least two thirds of those Members voting and present at the time the question was put.

(c) A motion to remove the Leader cannot be moved more than once in any rolling twelve month period.

4.20.5 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Mayor.

4.20.6 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed thirty minutes. At the conclusion of the speech being delivered at the expiry of five minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Mayor shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

(a) if the speech to be concluded is a speech proposing a motion, the Mayor shall allow the motion to be formally seconded (without comment);

(b) if the speech to be concluded is a speech moving an amendment, the Mayor shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and

(c) otherwise, the Mayor shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

4.21 **Motions without Notice**

The following motions may be moved without notice:

4.21.1 to appoint a Chair of the meeting at which the motion is moved;

4.21.2 in relation to the accuracy of the minutes;

4.21.3 to change the order of business in the agenda;

4.21.4 to refer something to an appropriate body or individual;

4.21.5 to appoint a committee or Member arising from an item on the summons for the meeting;

4.21.6 to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;

4.21.7 to withdraw a motion;

4.21.8 to amend a motion;

4.21.9 to proceed to the next business;

4.21.10 that the question be now put;

4.21.11 to adjourn a debate;

4.21.12 to adjourn a meeting;

4.21.13 to suspend a particular Council Procedure Rule;

4.21.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;

4.21.15 to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4; and

4.21.16 to give the consent of the Council where its consent is required by this Constitution.

4.22 **Rules of Debate**

4.22.1 No Speeches until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

4.22.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed.

4.22.3 Seconder's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

4.22.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order and no speech may exceed five minutes without the consent of the Mayor.

4.22.5 When a Member may Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) to speak once on an amendment moved by another Member;

(b) to move a further amendment if the motion has been amended since he last spoke;

(c) if his first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order; and

(f) by way of personal explanation.

4.22.6 Amendments to Motions

(a) An amendment to a motion must be relevant to the motion and will either be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and insert or add others; or

(iv) to insert or add words

as long as the effect of 4.22.6(a)(ii) to 4.22.6(a)(iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been decided.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.22.7 Alteration of Motion

(a) A Member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

4.22.8 Withdrawal of Motion

A Member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

4.22.9 Right of Reply

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on his amendment.

4.22.10 Motions which may be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and

(h) to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4.

4.22.11 Closure Motions

(a) A Member may move, without comment, the following motions at the end of a speech of another Member;

(i) to proceed to the next business;

(ii) to act that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed, he will give the mover of the original motion a right of reply before putting his motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.22.12 Point of Order

A point of order is a request from a Member to the Mayor to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the Rule or law and the way in which he considers it has been broken. The ruling of the Mayor on the matter will be final.

4.22.13 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

4.23 **State of the County Borough Debate**

4.23.1 Calling of Debate

If called, a County Borough debate can be held quarterly on a date and in a form to be agreed with the Mayor.

4.23.2 Form of Debate

The Leader and Leaders of the political groups will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. Democratic Services should be notified of the topic and relevant invitees four weeks in advance of the proposed meeting.

4.23.3 Chairing of Debate

The debate will be Chaired by the Mayor.

4.23.4 Results of Debate

The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the area which work in active partnership with the Council and considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

4.24 **Previous Decisions and Motions**

4.24.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five Members, except in the case of new information becoming available.

4.24.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least five Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

4.25 **Voting**

4.25.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present at the time the question was put.

4.25.2 Mayor's Casting Vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

4.25.3 Method of Voting

Unless a recorded vote is demanded under Rule 4.25.4 the Mayor will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

4.25.4 Recorded Vote

If a Member present at the meeting demands it and it is seconded, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

4.25.5 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.25.6 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The Mayor's casting vote will not apply.

4.26 **Minutes**

4.26.1 Signing the Minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

4.26.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

4.26.3 Form of Minutes

Minutes will contain all motions and amendments in the form and order the Mayor put them.

4.27 **Record of Attendance**

All Members physically present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. All Members attending a meeting by remote means must confirm their attendance to Democratic Services before the conclusion of every meeting.

4.28 **Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 15 of this Constitution or Rule 4.30 (Disturbance by Public).

4.29 **Members' Conduct**

4.29.1 Speaking at Meetings

When a Member speaks at Full Council he/she must address the meeting through the Mayor. If more than one Member signifies their intention to speak, the Mayor will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

4.29.2 Mayor Speaking

When the Mayor speaks during a debate, any Member speaking at the time must stop.

4.29.3 Member not to be Heard Further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

4.29.4 Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

4.29.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he / she thinks necessary.

4.30 **Disturbance by Public**

4.30.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room or their removal from the online platform by which they are accessing the meeting from another location.

4.30.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

4.30.3 Clearance of Online Meeting Platform

If there is a general disturbance on the online meeting platform, the Mayor may call for the online meeting platform to be temporarily suspended.

4.31 Filming and Use of Social Media During Meetings

Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.

4.32 Electronic Broadcasts of Meetings

Ordinary meetings of the Council will be broadcast live electronically on the Council's website so that members of the public not in attendance at the meeting can see and hear the proceedings. Copies of the meeting will be available for six months after the meeting.

4.33 Suspension and Amendment of Council Procedure Rules

4.33.1 Suspension

All of these Council Rules of Procedure except Rule 4.20.5, 4.25.5 and 4.26.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting. Rule 4.20.5 can only be suspended by motion on notice and the motion must have the support of at least two thirds of those Members present and voting.

4.33.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

4.34 Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4.13 to 4.16, 4.19 to 4.22, 4.24 to 4.34 (but not Rule 4.29.1) apply to meetings of committees and sub-committees.

SECTION 5

5. THE CABINET

5.1 Introduction

The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

5.2 Form and Composition of the Cabinet

The Cabinet will consist of:

5.2.1 the Leader of the Council (the "Leader"); and

5.2.2 at least two but not more than nine other Councillors appointed to the Cabinet by the Leader subject to the provisions outlined at 5.13.

5.3 Leader

5.3.1 Election

The Leader will be a Councillor elected to the position of Leader by the Council.

5.3.2 Term of Office

The Leader is appointed on an annual basis at the annual meeting of the Council.

5.3.3 Role of the Leader

The Leader will Chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet. Further information is contained in Section 6.

5.4 Deputy Leader

5.4.1 The Leader will appoint a Deputy Leader to act as Leader in the Leader's absence and may also if he/she thinks fit remove the Deputy Leader from Office at any time.

5.4.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

5.5 Other Cabinet Members

Other Cabinet Members will be Councillors elected to the position of Cabinet Member by the Leader. Each Cabinet Member shall hold office until:

5.5.1 he/she resigns from that office; or

5.5.2 he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate; or

5.5.3 he/she ceases to be a Councillor.

The Leader may at any time appoint a Cabinet Member to fill any vacancies.

5.6 **Delegation of Functions**

The Leader may exercise Executive Functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge. The Leader may delegate Executive Functions to:

5.6.1 the Cabinet as a whole;

5.6.2 a Committee of the Cabinet (comprising executive Members only);

5.6.3 an individual Cabinet Member;

5.6.4 a joint committee;

5.6.5 another local authority or the executive of another local authority;

5.6.6 a delegated Officer.

5.7 **Assistants to the Executive**

5.7.1 Other Councillors may, from time to time, be designated by the Leader as Assistants to the Executive. Such Councillors will not be:

(a) a Member of the Cabinet

(b) The Chairman and Vice-Chairman of the Council

5.7.2 Assistants to the Executive will not participate in Executive Decision making, but may work closely with a Cabinet Member. He/she will not be a Member of an Overview and Scrutiny Committee relating to the specific responsibilities of the Cabinet Member he/she is assisting or any other areas to which they are assigned.

5.7.3 An Assistant to the Executive may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility, including attending/chairing meetings; speaking/opening events; reading and commenting on papers; meeting Officers; agreeing press releases/comments and carrying out interview; representative the Council on appropriate groups. An Executive Support Member will not, however, have delegated powers and will not be entitled vote at Cabinet Meetings or Cabinet Committee Meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at an Overview and Scrutiny Committee.

5.7.4 Assistants to the Executive will be entitled to attend, and speak at, any meeting of the Cabinet or a committee of the Cabinet.

5.8 **Rules of Procedure and Debate**

The proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules in Section 5.10 below.

5.9 **Cabinet Procedure Rules**

5.10 **How does the Cabinet Operate?**

Following the annual meeting the Monitoring Officer, in consultation with the Leader will prepare and submit for approval a Cabinet Scheme of Delegations setting out the delegations of Executive Functions, including, where the principle has been approved as part of the Council's Executive Arrangements the delegated authority of each Member of the Cabinet, and thereafter keep this under review and submit updates to the Scheme as appropriate. In addition, the Leader has powers under s.15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive functions not covered by the Scheme of Delegations for the time being.

5.10.1 Sub-Delegation of Executive Functions

(a) Where the Cabinet, a committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to joint arrangements or an Officer.

(b) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.

(c) Where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

5.10.2 Conflicts of Interest

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members

(b) If any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.

(c) If the exercise of an Executive Function has been delegated to a committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members.

5.10.3 Cabinet Meetings – When and Where?

The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council's main offices or another location. The Council's arrangements for multi-location meetings apply to meetings of the Cabinet.

5.10.4 Public or Private Meetings of the Cabinet?

The Cabinet will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in Section 15, for example where confidential or exempt information is being discussed.

5.10.5 Quorum

(a) The quorum for a meeting of the Cabinet shall be one quarter of the total number of members of the Cabinet or three, whichever is the larger including the Leader or Deputy Leader.

(b) The quorum for a meeting of a committee of the Cabinet shall be a quarter of the total number of Members of the committee or three, whichever is the larger.

5.10.6 Remote Attendance

(a) Members will be regarded as present at a meeting of the Cabinet or a committee of the Cabinet where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings providing that they can speak to, and be heard by, other attendees at the meeting.

(b) For the purposes of section 5.10.8, attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

5.10.7 How are Decisions to be Taken by the Cabinet?

(a) Executive Decisions made by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Section 15 of this Constitution.

(b) Where Executive Decisions are delegated to a committee of the Cabinet, the rules applying to Executive Decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

5.11 **How are Cabinet Meetings Conducted?**

5.11.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or its committees at which he is present. In his absence, the Deputy Leader will preside. In his/her absence, then a person appointed to do so by those present shall preside.

5.11.2 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Section 15 of this Constitution. See also Section 3 in relation to Member participation in meetings.

5.11.3 What Business?

At each meeting of the Cabinet the following business will be conducted:

(a) consideration of the minutes of the last meeting;

(b) declarations of interest, if any;

(c) matters referred to the Cabinet (whether by Overview and Scrutiny Committees or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 7 and 16 of this Constitution;

(d) consideration of reports from Overview and Scrutiny Committees;

(e) consideration of reports from Cabinet Committees;

(f) reports from Officers of the Authority.

5.11.4 Consultation

All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken with stakeholders and with the Overview and Scrutiny Committees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

5.11.5 Who can put Items on the Cabinet Agenda?

(a) The Leader will decide upon the schedule for meetings of the Cabinet. He/she may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter.

(b) Any Member of the Cabinet may require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

(c) The Chief Executive, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened in pursuance of their statutory duties.

(d) In other circumstances, where any two of the Chief Executive, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be considered at which the matter will be considered.

5.12 **Disturbance by the Public, Filming and Use of Social Media**

5.12.1 The provisions in Council Procedure Rules in Section 4.30 in relation to disturbance by the public apply to meetings of the Cabinet.

5.12.2 The provisions in Council Procedure Rules in Section 4.31 relating to filming and use of social media apply to meetings of the Cabinet.

5.13 **Job sharing by Executive Leaders and Executive Members**

5.13.1 Any election or appointment to the Cabinet (including the Leader) may include the election of two or more Councillors to share office.

5.13.2 Where two or more Members have been elected or appointed to share the same office on the Cabinet the maximum number of members of the Cabinet, including the Leader, will be:

(a) 12, where at least two of the members have been elected or appointed to share office; or

(b) 13, where at least three of the members have been elected or appointed to share office.

5.13.3 The members of the Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet.

5.13.4 Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Cabinet, they together count only as one person for the purpose of determining whether the meeting is quorate.

SECTION 6

6. THE LEADER

6.1 Election

6.1.1 The Leader will be elected by Full Council.

6.1.2 The Leader will usually be elected on an annual basis at the Annual Council meeting. However, where the post of Leader becomes vacant the Leader will be elected at the next meeting of the Full Council.

6.2 Term of Office

The Leader is appointed on an annual basis at the annual meeting of the Council.

6.3 Resignation, Dismissal, Disqualification and Suspension

6.3.1 The Leader may resign the position of Leader by writing to the Mayor.

6.3.2 The Leader can be dismissed where the Council passes a resolution removing him/her from office in accordance with the Rules below.

6.3.3 The Leader shall cease to be Leader if he/she is suspended or disqualified as a Councillor, or, for other such reasons, cannot fulfil the role of Leader.

6.3.4 The Leader will cease to be Leader upon death or upon suffering any disability which will, or is likely to, prevent them from undertaking the role of Leader for a period of three months or more.

6.4 Deputy Leader

6.4.1 Appointment

The Leader may designate one of the Members of the Cabinet as Deputy Leader.

6.4.2 Duties of the Deputy Leader

The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or is otherwise unable to act.

6.4.3 Removal from Office

The Leader may, if he/she think fit, remove the Deputy Leader from office at any time.

6.5 Functions and Delegated Authority

6.5.1 Membership of the Cabinet

The Leader appoints and dismisses the Members of the Cabinet subject only to their being a minimum of two, and a maximum of nine, Members of the Cabinet (not counting the Leader) at any time. This number may be increased pursuant to section 5.13.2(b) in the event of a job share to 13.

6.5.2 Role of the Leader

The Leader will chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet.

6.5.3 The Cabinet Scheme of Delegations

The Monitoring Officer, in consultation with the Leader, will prepare and submit for approval a Cabinet Scheme of Delegations setting out the delegations of Executive Functions, including where the principle has been approved as part of the Council's Executive arrangements, the delegated authority of each member of the Cabinet and thereafter keep this under review and submit updates to the Scheme, as appropriate. In addition, the Leader has powers under section 15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under other delegated powers, any Executive Functions not covered by the Scheme for the time being.

6.5.4 Meetings of the Cabinet

Subject to the requirement to publish notice of each meeting three clear days before it takes place, the Leader can call meetings of the Cabinet at such times and places as he/she chooses.

6.5.5 Chairing Cabinet Meetings

The Leader shall chair Cabinet meetings. In the Leader's absence the Deputy Leader will chair. If the Deputy Leader is not available the Cabinet will appoint a Member of the Cabinet to Chair the meeting on their behalf by informing the Proper Officer of the person chosen subject to quorum.

6.5.6 Acting as one of the Council's Representatives on the Public Services Board

(a) The Leader shall be one of the Council's two representatives at meetings of the Public Services Board.

(b) The Leader may designate another member of the Cabinet to attend a meeting of the Public Services Board in their absence. The Leader shall designate the Deputy Leader to attend in their absence unless the Deputy Leader is also not available in which case the Leader shall designate another Member of the Cabinet.

6.5.7 Acting as the Council member of the South East Wales Corporate Joint Committee

The Leader shall be the Council member of the South East Wales Corporate Joint Committee. Where the Leader is unable to discharge their functions in respect of the Corporate Joint Committee, the Council shall appoint another member of the Cabinet to discharge those functions on behalf of the Council.

6.5.8 Appointments of Representatives on Outside Bodies

The Leader has authority to appoint representatives of the Council on outside bodies where those outside bodies relate to Executive Functions of the Council.

SECTION 7

7. OVERVIEW AND SCRUTINY COMMITTEES

7.1 Introduction

7.1.1 The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

7.1.2 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Overview and Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

7.2 Overview and Scrutiny Committees

In order to achieve this, the Council have appointed four Overview and Scrutiny Committees which between them will:

7.2.1 review or scrutinise decisions made, or actions taken, in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council;

7.2.2 make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;

7.2.3 review or scrutinise decisions made, or actions taken, by the Public Services Board;

7.2.4 consider any matter which affects the Council's area or its inhabitants; and

7.2.5 exercise the right to call in for reconsideration decisions made but not yet implemented by the Cabinet and Officers.

7.3 Role, Scope and Membership

The role, scope and Membership of the Overview and Scrutiny Committees are described in the table below:

Committee and Membership	Role and Scope
Corporate Overview and Scrutiny Committee Twelve County Borough Councillors (for consideration of Education matters to include 5 Education Representatives).	• To consider the service provision, planning, management and performance relating to corporate performance and governance; • To consider policies, protocols and plans relating to corporate performance and governance; • To co-ordinate the recommendations from each Overview and Scrutiny Committee upon

Committee and Membership	Role and Scope
	the draft annual MTFS, including the budget savings proposals and comments upon the consultation process; • To scrutinise the performance and budget monitoring of all Directorates in the achievement of the corporate priorities; • To consider reports regarding any recommendations made by the Public Service Board Scrutiny Panel regarding the performance of Bridgend's Public Service Board (PSB) in accordance with the Wellbeing of Future Generations (Wales) Act 2015 and Guidance; • To scrutinise the Community Safety Partnership and its constituent bodies in respect of their community safety roles in accordance with the Crime and Disorder guidance; • To consider the Council's Corporate Plan and monitor progress against the Corporate Priorities; • To develop and implement a Forward Work Programme for the Committee having regard to the Council's Corporate Priorities and Risk Management Framework and have oversight and coordination of the Forward Work Programmes for the Overview and Scrutiny Committees.
Subject Overview and Scrutiny Committee 1 (Education themed but not exclusive to) Twelve County Borough Councillors (For consideration of education matters to include 5 Education Representatives).	• To consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; • To consider policies, protocols and plans relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; • To contribute to the annual MTFS budget consultation process in relation to the relevant subject area; • To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management Framework and subject to oversight and coordination by the Corporate Overview and Scrutiny Committee.
Subject Overview and Scrutiny Committee 2 (Social Services and Wellbeing themed but not exclusive to)	• To consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated

Committee and Membership	Role and Scope
Twelve County Borough Councillors (For consideration of education matters to include 5 Education Representatives).	by the Corporate Overview and Scrutiny Committee; • To consider policies, protocols and plans relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; • To contribute to the annual MTFS budget consultation process in relation to the relevant subject area; • To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management Framework and subject to oversight and co-ordination by the Corporate Overview and Scrutiny Committee.
Subject Overview and Scrutiny Committee 3 Twelve County Borough Councillors (For consideration of education matters to include 5 Education Representatives).	• To consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; • To consider policies, protocols and plans relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; • To contribute to the annual MTFS budget consultation process in relation to the relevant subject area; • To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management Framework and subject to oversight and coordination by the Corporate Overview and Scrutiny Committee.

7.4 **Specific Functions**

7.4.1 Policy Development and Review

The Overview and Scrutiny Committees may:

(a) assist the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues;

(b) conduct research, community and other consultation in the analysis of policy issues and possible options;

(c) question Members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;

(d) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working; and

(e) consider the impact of policies to assess if they have made a difference.

7.4.2 Scrutiny

The Overview and Scrutiny Committees may:

(a) review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;

(b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(c) question Members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;

(d) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;

(e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committees and local people about their activities and performance; and

(f) question and gather evidence from any person (with their consent).

7.4.3 Scrutiny of the Public Services Board

The Corporate Overview and Scrutiny Committee has the additional functions of overseeing the work of the Public Service Board in accordance with the Wellbeing of Future Generations (Wales) Act 2015. The Committee designate this responsibility to the Public Service Board Scrutiny Panel to be able to carry out the following functions:

(a) review or scrutinise decisions made, or other action taken, by the Public Services Board;

(b) review or scrutinise the Public Services Board's governance arrangements;

(c) make reports or recommendations to the Public Services Board with respect to the board's functions or governance arrangements;

(d) consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly; and

(e) copy reports to the Public Services Board regarding the board's functions and governance arrangements to: -

(i) the Welsh Ministers;

(ii) the Future Generations Commissioner for Wales; and

(iii) the Auditor General for Wales.

(f) require one or more of the attendees at the Public Services Board, or anyone designated by such a person, to attend a meeting of the Public Services Board Scrutiny Panel and provide it with explanations of such matters as it may specify.

7.4.4 The Membership of the Scrutiny Panel is determined annually by the nomination of three Members from the Corporate Overview and Scrutiny Committee, one Member from each of the Subject Overview and Scrutiny Committees and invitees from counterpart representatives that sit on the Public Service Board. Any recommendations made by the Panel are presented to the Corporate Overview and Scrutiny Committee for approval prior to submission to the Board.

7.4.5 Annual Report

The Scrutiny Annual Report will be considered and endorsed by the Corporate Overview and Scrutiny Committee before being reported to Full Council on their work with recommendations for the coming year and amended working methods if appropriate.

7.5 Head of Democratic Services

One of the roles of the Head of Democratic Services under section 8 of The Measure is to promote the role of the Council's Overview and Scrutiny Committees and to promote support and guidance to Council Members and Officers generally about the functions of the Overview and Scrutiny Committees.

7.6 Who May Sit on Overview and Scrutiny Committees?

All Councillors except Members of the Cabinet and Assistants to the Executive may be Members of the Overview and Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which he has been directly involved.

7.7 Co-Optees

Each Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees subject to the number of co-opted members on the Committee shall not exceed one third of the total membership of the Committee. In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them.

Co-optees' membership may be for:

(1) the life of the Committee;

(2) until such time as it is terminated by the Council, upon the recommendation of the Committee; or

(3) for the purposes of a particular review or performance monitoring exercise.

7.8 **Education Representatives**

The Overview and Scrutiny Committee considering education matters shall include in its Membership voting representatives of religious faiths and of parent governors, as required by law and guidance from Senedd Cymru:

(1) One Church in Wales representative

(2) One Roman Catholic Church representative

(3) Three parent governor representatives (one from a primary school, one from a secondary school and one from a special school

A Co-opted Member of an Overview and Scrutiny Committee or sub-committee will be entitled to vote at a meeting of the Committee or sub-committee on any matter which relates to any education functions which are the responsibility of the Cabinet and which falls to be decided at the meeting; but will not otherwise be entitled to vote.

7.9 **Who Chairs?**

The arrangements included in sections 66-75 of the Local Government (Wales) Measure 2011 will be followed for appointing persons to chair Overview and Scrutiny Committees.

7.10 **Role of the Chair and the Overview and Scrutiny Committees**

7.10.1 The Chairs will liaise with the Cabinet and supervise the Work Programme and identify suitable priority areas for Scrutiny.

7.10.2 In summary, therefore, the Chair will:

(a) meet regularly to monitor Work Programmes;

(b) liaise with the Cabinet on issues affecting the Scrutiny Work Programme.

7.11 **Work Programme**

At the beginning of the municipal year each Overview and Scrutiny Committee will be asked to identify issues for consideration during the year, using pre-determined criteria which emphasises the need to consider issues such as impact, risk, performance, budget and community perception when identifying topics for investigation. These items will be presented to the Corporate Overview and Scrutiny Committee for prioritisation and designation to each Overview and Scrutiny Committee. There is an understanding that the Work Programme will remain flexible and be revisited at each meeting of the Corporate Overview and Scrutiny Committee to consider all potential items and reprioritise with input from all the Committees.

7.11.1 Meetings of the Overview and Scrutiny Committees shall be called by the Monitoring Officer and may be required to do so by the Chair of the relevant Overview and Scrutiny Committee or by any five members of the Committee.

7.11.2 Extraordinary meetings may be called from time to time in order to deal with call-ins (Section 7.23) where the Chair of an Overview and Scrutiny Committee and the Monitoring Officer agree it is necessary for that Overview and Scrutiny Committee to consider the called in decision before the Committee's next programmed meeting.

7.12 **Joint Overview and Scrutiny Committees**

Under section 58 of The Measure, regulations may be made to permit or require two or more local authorities to appoint a joint Overview and Scrutiny Committee. This is set out in the Local Authorities (Joint Overview and Scrutiny) (Wales) Regulations 2013.

7.13 **Rules of Procedure and Debate**

The Overview and Scrutiny Procedure Rules will apply to meetings of the Overview and Scrutiny Committees.

7.14 **What will be the Number and Arrangements for Overview and Scrutiny Committees?**

7.14.1 The Council will have four Overview and Scrutiny Committees set out in the table in Section 7.3 and will appoint to them as it considers appropriate from time to time. The Committees may appoint smaller groups to carry out detailed examination of particular topics for report back to them. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist.

7.14.2 The terms of reference of the various Overview and Scrutiny Committees will be as set out in the table in Section 7.3.

7.14.3 Each Subject Overview and Scrutiny Committee will be Chaired by a Chair appointed from the membership of that Overview and Scrutiny Committee. The Chair of the Corporate Overview and Scrutiny Committee will be appointed from one of the Chairs of the Subject Overview and Scrutiny Committees in accordance with the political balance rules:

(a) there will be cross party Membership of all Overview and Scrutiny Committees;

(b) the Overview and Scrutiny Committees shall undertake the following:

(i) investigate or review a particular matter in depth and without delay, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate;

(ii) conduct research, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with the area/community partnerships;

(iii) consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options;

(iv) question Cabinet Members and Officers about their views and actions on issues and proposals affecting the County Borough;

(v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and

(vi) question and gather evidence from any person (with his/her consent) whilst conducting investigative and reporting processes.

7.15 **Meetings of the Overview and Scrutiny Committees**

The Council may determine a cycle of meetings for the Overview and Scrutiny Committees. If the Council do not set the cycle, each such Committee shall determine their own cycle of meetings. The Chair may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the Committee's work programme. A meeting of an Overview and Scrutiny Committee may be called by the Chair or by the Monitoring Officer, if he/she considers it necessary or appropriate.

7.16 **Quorum**

The quorum for an Overview and Scrutiny Committee shall be a quarter of all Members of the Committee or 3 Members whichever is greater.

7.17 **Agenda Items**

7.17.1 Any Member of a particular Overview and Scrutiny Committee shall be entitled to give notice to the Monitoring Officer that he wishes an item relevant to the functions of the that Committee to be included on the agenda for the next available meeting. Ten working days' notice of the item should be given to the Monitoring Officer together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

7.17.2 On receipt of such a request, so long as it is an appropriate matter to be considered, the Monitoring Officer will ensure that it is included on the next available agenda.

7.17.3 An Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

7.18 **Policy Review and Development**

7.18.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 15.

7.18.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, an Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

7.18.3 An Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

7.19 **Reports from the Overview and Scrutiny Committees**

7.19.1 All formal reports from the Overview and Scrutiny Committees will be submitted to the Monitoring Officer for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

7.19.2 If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

7.19.3 The Council or Cabinet shall consider the report of an Overview and Scrutiny Committee within one month of it being submitted to the Monitoring Officer.

7.20 **Rights of Members of the Overview and Scrutiny Committees to Documents**

7.20.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section 15 of this Constitution.

7.20.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

7.21 **Members and Officers Giving Account**

7.21.1 The Overview and Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any Member of the Cabinet, the Chief Executive and/or any senior Officer to attend before it to explain in relation to matters within their remit:

(a) any particular decision or series of decisions;

(b) the extent to which the actions taken implement Council policy; and/or

(c) their performance

and it is the duty of those persons to attend if so required.

7.21.2 For this purpose, senior Officer includes any Chief Officer, deputy Chief Officer and other appropriate senior Officer. Where there are concerns about the appropriateness of the Officer who should attend, the relevant Chief Officer shall discuss this with the appropriate Overview and Scrutiny Chair or Vice Chair with a view to achieving consensus.

7.21.3 Where any Member or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Monitoring Officer. The Monitoring Officer shall inform the Member or Officer, if necessary in writing, giving at least five working days' notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he or she is required to attend to give

account and whether any papers are required to be produced for the Committee.

7.21.4 Where the account to be given to an Overview and Scrutiny Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

7.21.5 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

7.22 **Attendance by Others**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 7.211 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

7.23 **Call-In**

7.23.1 Rules

(a) Where a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet or under joint arrangements, the decision shall be published by the Monitoring Officer, including where possible by electronic means, and shall be available at the main offices of the Council as soon as reasonably practicable after being made. All Members of the Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.

(b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in for review.

(c) During that period the Monitoring Officer shall call-in a decision for scrutiny by an Overview and Scrutiny Committee if so requested in the specified format by any three Members of an Overview and Scrutiny Committee and a Scrutiny Chair and, shall then notify the decision taker of the call-in. He/she shall call a meeting of an Overview and Scrutiny Committee on such a date as he/she may determine, where possible after consultation with all Scrutiny Chairs, and in any case within five clear working days of the decision to call-in (only in exceptional circumstances will the Chairs consider extending this time limit).

(d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further seven clear working days, amending the decision or not, before adopting a final decision.

(e) If following an objection to the decision, an Overview and Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further five working day period (or agreed extended period), whichever is the earlier.

(f) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

(i) an Overview and Scrutiny Committee may only call-in a total of six decisions per year;

(ii) three Members of an Overview and Scrutiny Committee and a Chair are needed for a decision to be called in;

(iii) once a Member has signed a request for call-in under this paragraph, he/she may not do so again until the period of three months has expired;

(iv) No Education Co-opted Members may request a decision be called in.

(g) The Monitoring Officer may veto any request for call-in if it falls outside the remit of this scheme and/or:

(i) It is not clear which decision is being called-in;

(ii) The decision is exempt from call-in on account of the urgency provisions as outlined below;

(iii) The call-in request provides too little information to enable the Scrutiny Committee Members or the decision maker to adequately prepare for the call-in meeting;

(iv) The decision being called-in, or broadly the same decision, has been called in during the last six months;

(v) The call-in request is trivial or without substantial merit.

Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

7.23.2 <u>Call-In and Urgency</u>

(a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, Cabinet Committee, Cabinet Member or Officer is urgent and not subject to call-in. A decision will be urgent and not subject to call-in if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. Consultation will be sought of all Chairs of the Overview and Scrutiny Committees to agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The agreement of one Chair is sufficient for

the matter to be treated as urgent. In the absence of all Chairs the Mayor or the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent should be required. Decisions taken as a matter of urgency must be reported at the next available meeting of the Council, together with the reasons for urgency.

(b) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

7.24 **The Party Whip**

If a Member of an Overview and Scrutiny Committee is subject to a party whip in respect of an issue to be considered by it, that Member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

7.25 **Procedure at Overview and Scrutiny Committee Meetings**

7.25.1 An Overview and Scrutiny Committee shall consider the following business:

(a) minutes of the last meeting;

(b) declarations of interest;

(c) consideration of any matter referred to that Overview and Scrutiny Committee for a decision in relation to call in of a decision;

(d) responses of the Cabinet to reports of that Overview and Scrutiny Committee;

(e) the business otherwise set out on the agenda for the meeting.

The Rules of Procedure at an Overview and Scrutiny Committee will be the same as the Council Procedure Rules except that the Chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether as Members of an Overview and Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

7.25.2 An Overview and Scrutiny Committee may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:

(a) that the business be conducted fairly and all Members of the Overview and Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

(b) that those assisting by giving evidence be treated with respect and courtesy;

(c) that the business be conducted as efficiently as possible.

7.25.3 Following any investigation or review, an Overview and Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

7.26 **Matters within the Remit of more than one Overview and Scrutiny Committee**

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Committees, the decision as to which Committee will consider it will be resolved by the respective Chairs or, if they fail to agree, the Chair of the Corporate Overview and Scrutiny Committee.

8. THE STANDARDS COMMITTEE

Composition

8.1 Membership

The Standards Committee is composed of eight Members. Its Membership includes:

8.1.1 Five "independent" Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Local Government Act 2000, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended);

8.1.2 Two Councillors other than the Leader and not more than one Member of the Executive; and

8.1.3 One Community Council Member.

8.2 Term of Office

8.2.1 Independent Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term.

8.2.2 Members of local authorities who are Members of the Standards Committee will have a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.

8.3 Quorum

A meeting of the Standards Committee shall only be quorate when:

8.3.1 at least three Members, including the Chairperson, are present; and

8.3.2 at least half the Members present (including the Chairperson) are Independent Members.

8.4 Voting

Independent Members and Community Council Members will be entitled to vote at meetings.

8.5 Chairing the Committee

8.5.1 Only an Independent Member of the Standards Committee may be the Chair.

8.5.2 The Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of:

(i) not less than four years or no more than six years; or

(ii) until the term of office of the Independent Member comes to an end.

8.6 **Role and Function**

The Standards Committee will have the following roles and functions:

8.6.1 promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Authority;

8.6.2 assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;

8.6.3 advising the Council on the adoption or revision of the Members' Code of Conduct;

8.6.4 monitoring the operation of the Members' Code of Conduct;

8.6.5 advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;

8.6.6 to monitor the operation of the Council's Whistleblowing Policy;

8.6.7 to grant dispensations from the prohibitions contained in the Members' Code of Conduct in accordance with the Regulations;

8.6.8 Consider reports submitted by the Public Ombudsman for Wales and the Council's Monitoring Officer;

8.6.9 monitoring compliance by leaders of political groups on the Council with their duties to promote and maintain high standards of conduct by the members of the group;

8.6.10 Advising, training or arranging to train leaders of political groups on the Council about matters as outlined in 8.6.9.

8.7 **Annual Report**

8.7.1 As soon as possible after the end of each financial year, the Standards Committee must make an annual report to the Council.

8.7.2 The annual report must include: -

(a) a description of how the Standards Committee has discharged its functions;

(b) a summary of any reports and recommendations that were referred to the Standards Committee under Chapter 3 of Part 3 of the Local Government Act 2000;

(c) a summary of the actions that the Standards Committee has taken following consideration of the reports and recommendations referred to in (b) above;

(d) a summary of any notices that were given to the Standards Committee under Chapter 4 of Part 4 of the Local Government Act 2000;

(e) the Standards Committee's assessment of the extent to which leaders of political groups on the Council have complied with their duties to promote and maintain high standards of conduct by members of their group and to

cooperate with the Standards Committee in the exercise of the Standards Committee's functions;

(f) any recommendations which the Standards Committee considers it appropriate to make to the Council about any matter which falls within the Committee's functions.

8.8 **Work Programme**

The Committee will prepare a work programme, which will be reviewed and approved by the Committee.

8.9 **Joint Standards Committee**

The Council may establish a joint standards committee with one or more local authorities for the purpose of discharging the statutory functions of the Standards Committee.

8.10 **Rules of Procedure and Debate**

8.10.1 The Council Procedure Rules at Section 4 will apply to the meetings of the Standards Committee Members.

8.10.2 When considering the conduct of individual Councillors, the procedures outlined in Appendix 3 to Section **Error! Reference source not found.** will apply.

SECTION 9

9. REGULATORY COMMITTEES

9.1 Regulatory and Other Committees

The Council will appoint the Committees to discharge the functions set out in Section 14 of this Constitution.

9.2 The Governance and Audit Committee

9.2.1 The Council will appoint a Governance and Audit Committee to discharge the functions described in Section 14 of this Constitution and in accordance with sections 81-87 of The Measure.

9.2.2 The Committee shall comprise of two-thirds Councillor Members and one-third members who are not a Member of the Council (lay members). No more than one member of the Committee may be a member of the Cabinet (which Cabinet Member must not be the Leader) or an Assistant to the Executive, although the Committee may have no Cabinet Members or Assistants to the Executive among its membership.

9.2.3 The Council shall appoint Members to the Audit Committee in accordance with the political balance rules.

9.2.4 The Chair of the Audit Committee and Deputy Chair are appointed by it. The person appointed Chair of the Audit Committee must be a lay member. The person appointed as Deputy Chair cannot be a Member of the Cabinet or an Assistant to the Executive.

9.2.5 A meeting of the Audit Committee is to be chaired:

(a) by the Chair of the Audit Committee, or

(b) if the Chair of the Audit Committee is absent, by the Deputy Chair.

(c) If both the Chair of the Audit Committee and the Deputy Chair are absent, the Committee may appoint a member of the Committee who is not a member of the Council's Cabinet, or an Assistant to the Cabinet, to chair the meeting.

9.2.6 Members of the Audit Committee may vote on any matter from the Committee.

9.3 The Democratic Services Committee

9.3.1 The Council will appoint a Democratic Services Committee to discharge the functions described in Section 14 of this Constitution.

9.3.2 The Committee shall comprise of Councillor Members but no more than one Member of the Cabinet (which Cabinet Member must not be the Leaders).

9.3.3 The Council shall appoint Members to the Democratic Services Committee in accordance with the political balance rules.

9.3.4 The Chair of the Democratic Services Committee is appointed by Full Council and must not be the Cabinet Member.

9.4 **Other Committees and Sub-Committees**

9.4.1 The Council will appoint such other Committees as it considers appropriate to the exercise of its functions. These will include a Development Control Committee and Licensing Committee.

9.4.2 Any Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the appointment Committees terms of reference.

9.5 **Rules of Procedure and Debate**

9.5.1 The Council Procedure Rules in Section 4 will apply, except as set out in paragraph 9.5.2 below.

9.5.2 A meeting of the Development Control Committee shall only be quorate when at least half of the total number of members of the Committee, rounded to the nearest whole number, are present.

SECTION 10

10. JOINT COMMITTEES

10.1 Introduction

There are a number of circumstances where the Council or the Cabinet is entitled to carry out certain functions jointly with another local authority.

10.2 Arrangements to Promote Wellbeing

The Cabinet in order to promote the economic, social, or environmental wellbeing of its area may:

10.2.1 enter into arrangements or agreements with any person or body;

10.2.2 co-operate with, or facilitate or co-ordinate the activities of any person or body; and

10.2.3 exercise on behalf of that person or body any functions of that person or body.

10.3 Joint Arrangements

10.3.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not Executive Functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

10.3.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Executive Functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, or as permitted or required by Law, the Cabinet may only appoint Cabinet Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.

10.3.3 The Cabinet may appoint Members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of that local authority, by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is Member for an electoral division contained within the area. Political balance requirements do not apply to such appointments.

10.3.4 When considering whether to establish a joint committee, the Council and the Cabinet shall have regard to any guidance issued by the Welsh Ministers about establishing joint committees and the circumstances in which it is appropriate to do so.

10.4 Access to Information

10.4.1 The Access to Information Procedure Rules in Section 15 apply.

10.4.2 If all the Members of a Joint Committee are Members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.

10.4.3 If the Joint Committee contains Members who are not on the Cabinet of any participating authority, then the Access to Information Rules in part VA of the Local Government Act 1972 (as amended) will apply.

10.5 **Delegation to and from Other Local Authorities**

10.5.1 The Council can delegate Non-Executive Functions to another local authority or, where those functions are the responsibility of the executive of another local authority, to that executive.

10.5.2 The Cabinet can delegate Executive Functions to another local authority or the executive of another local authority in certain circumstances.

10.5.3 The decision whether or not to accept such a delegation from another local authority is reserved to the Full Council.

10.6 **Contracting Out**

The Council (in respect of Non-Executive Functions) and the Cabinet (in respect of Executive Functions) may contract out to another body or organisation functions:

10.6.1 which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994; or

10.6.2 under contracting arrangements where the Contractor acts as the Council's Agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

SECTION 11

11. CORPORATE JOINT COMMITTEES

11.1 Introduction

Corporate joint committees may be established: -

11.1.1 at the instigation of the Welsh Ministers, to undertake the Council's transport, strategic planning, economic development and/or improving education functions; or

11.1.2 at the instigation of the Council, to undertake any of the Council's functions.

11.2 Corporate Joint Committees

11.2.1 The Council may, jointly with one or more other local authorities make a joint committee application to the Welsh Ministers, asking them to consider making regulations under section 72 of the Local Government and Elections (Wales) Act 2021 establishing a corporate joint committee to exercise a function of those authorities or the economic wellbeing function in relation to the principal areas of those authorities.

11.2.2 The Council shall not make such an application unless and until it has consulted: -

(a) local people in the Council's area;

(b) community councils in the Council's area;

(c) the Public Services Board;

(d) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and

(e) such other persons as the Council considers appropriate.

11.2.3 The Council may, jointly with all other local authorities for the principal areas in a corporate joint committee's area, make an application to the Welsh Ministers asking them to consider making regulations under section 80 of the Local Government and Elections (Wales) Act 2021 to amend or revoke joint committee regulations which establish a corporate joint committee of which the Council is a member.

11.2.4 The Council may not exercise the power in section 11.2.3 to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a function which relates to the Council's transport, strategic planning, economic development or improving education functions.

SECTION 12

12. OFFICERS

12.1 Management Structure

12.1.1 General

The Full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

12.1.2 Chief Officers

The Full Council will engage persons for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity:

Post	Functions and Areas of Responsibility
Chief Executive	• Overall corporate management and operational responsibility including overall management responsibility for all Officers. • Principal adviser to the Council on general policy. • The provision of professional and impartial advice to all parties in the decision making process to the Cabinet, to Overview and Scrutiny Committees, the Full Council and other Committees). • Together with the Monitoring Officer, responsibility for a system of record keeping for all the Authority's decisions (executive or otherwise). • Representing the Council on partnership and external bodies (as required by statute or the Council). • Service to the whole Council, on a politically neutral basis.
Corporate Director Communities	Management and overall responsibility for taking the lead role in strategy and policy development in respect of and ensuring effective service co-ordination of the following services: regeneration and development, neighbourhood services.
Corporate Director Education and Family Support	Management and overall responsibility for taking the lead role in strategy and policy development in respect of and ensuring effective service co-ordination of the following services: family support, learning.
Corporate Director Social Services and Wellbeing and	Management and overall responsibility for taking the lead role in strategy and policy development in respect of and ensuring effective co-ordination of the following services: wellbeing, safeguarding.

Post	Functions and Areas of Responsibility
Director of Social Services	
Chief Officer - Legal and Regulatory Services, HR and Corporate Policy	Legal and Democratic Services, Member Support Services, Democratic Services, Registrars, Shared Regulatory Services, Land Charges. Employee Relations, Organisation and Employee Development, Health and Safety, Equal Opportunities. Corporate Policy.

12.1.3 Chief Executive, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Chief Executive
Chief Officer – Legal and Regulatory Services, Human Resources and Corporate Policy.	Monitoring Officer
Chief Officer – Finance, Performance and Change	Chief Finance Officer / Section 151 Officer
Democratic Services Manager	Head of Democratic Services

Such posts will have the functions described in Sections 12.2 to 12.5.

12.2 **Functions of the Chief Executive**

12.2.1 Discharge of Functions by the Council

(a) Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as Chief Executive. The Chief Executive will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Staff required for the discharge of functions, the organisation of the authority's staff and the appointment and proper management of the authority's staff.

(b) The Chief Executive must keep the following matters under review:

(i) the manner in which the exercise by the Council of its different functions is co-ordinated;

(ii) the council's arrangements in relation to—

(A) financial planning,

(B) asset management, and

(C) risk management;

(iii) the number and grades of staff required by the Council for the exercise of its functions;

(iv) the organisation of the Council's staff;

(v) the appointment of the Council's staff; and

(vi) the arrangements for the management of the Council's staff (including arrangements for training and development).

12.2.2 If the Chief Executive considers it appropriate to do so, they must make a report to the Full Council setting out their approach to these matters. As soon as possible after preparing a report, the Chief Executive must arrange for a report to be sent to each Member of the Council.

12.2.3 Acting as one of the Council's Representatives on the Public Services Board

The Chief Executive shall be one of the Council's two representatives at meetings of the Public Services Board.

12.2.4 Restrictions on Functions

The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer if a qualified accountant.

12.3 **Functions of the Monitoring Officer**

These are set out in section 5 of the Local Government and Housing Act 1989 as amended.

12.3.1 Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

12.3.2 Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to any Function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

12.3.3 Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

12.3.4 Receiving Reports

The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals.

12.3.5 Conducting Investigations

The Monitoring Officer will conduct investigations into matters referred by the Public Services Ombudsman for Wales and make reports or recommendations in respect of them to the Standards Committee.

12.3.6 Proper Officer for Access to Information

The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

12.3.7 Advising whether decisions of the Cabinet are within the Budget and Policy Framework

The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

12.3.8 Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to the Councillors.

12.3.9 Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

12.4 **Functions of the Chief Finance Officer**

These are set out in section 6 of the Local Government and Housing Act 1989.

12.4.1 Ensuring Lawfulness and Financial Prudence of Decision Making

After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to an Executive Function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

12.4.2 Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

12.4.3 Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

12.4.4 Providing Advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

12.4.5 Give Financial Information

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.4.6 Advising whether Decisions of the Cabinetare within the Budget and Policy Framework

The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

12.4.7 Restrictions on Posts

(a) The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.

(b) The Chief Finance Officer must be a member of one or more of the following professional bodies: -

(i) the Institute of Chartered Accountants in England and Wales;

(ii) the Chartered Association of Certified Accountants;

(iii) the Chartered Institute of Public Finance and Accountancy;

(iv) the Chartered Institute of Management Accountants; or

(v) any other body of accountants established in the United Kingdom and for the time being approved by the Welsh Ministers for this purpose.

12.5 **Functions of the Head of Democratic Services**

These are set out in section 9 of The Measure. The functions of the Head of Democratic Services are:

12.5.1 to provide support and advice to the Authority in relation to its meetings, subject paragraph 12.5.10;

12.5.2 to provide support and advice to committees of the Authority (other than the committees mentioned in paragraph 12.5.5) and the members of those committees, subject to paragraph 12.5.10;

12.5.3 to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to paragraph 12.5.10;

12.5.4 to promote the role of the Authority's Overview and Scrutiny Committees;

12.5.5 to provide support and advice to:

(a) the Authority's Overview and Scrutiny Committees and the members of those Committees; and

(b) the Authority's Democratic Services Committee and the members of that committee;

(c) to provide support and advice in relation to the functions of the Authority's Overview and Scrutiny Committees to each of the following:

(i) members of the Authority;

(ii) members of the executive of the Authority;

(iii) officers of the Authority;

12.5.6 to provide support and advice to each member of the Authority in carrying out the role of member of the Authority, subject to paragraph 12.5.11;

12.5.7 to make reports and recommendations in respect of any of the following:

(a) the number and grades of staff required to discharge democratic services functions;

(b) the appointment of staff to discharge democratic services functions;

(c) the organisation and proper management of staff discharging democratic services functions;

12.5.8 such other functions as may be prescribed by law.

12.5.9 Restrictions on Posts

The Head of Democratic Services cannot be the Chief Executive, or the Chief Finance Officer.

12.5.10 The function of providing advice about whether or how the Authority's functions should be, or should have been exercised, only applies to advice concerning the functions of the Overview and Scrutiny Committees and Democratic Services Committee.

12.5.11 Advice to a Member does not include advice in connection with their role as an executive Member and does not include advice about a matter being or to be considered at a meeting (other than a meeting of an Overview and Scrutiny Committee or Democratic Services Committee).

12.6 **Duty to Provide Sufficient Resources to the Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

The Council will provide the Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.7 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in this Constitution.

12.8 **Employment**

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out below.

12.9 **Officer Employment Procedure Rules**

1. Interpretation

(1) "Chief Officer" means:
Chief Executive
Corporate Director – Education and Family Support
Corporate Director - Communities;
Corporate Director – Social Services and Wellbeing;
Solicitor to the Council and Monitoring Officer;
Chief Finance Officer / Section 151 Officer.

2. Declarations

(1) The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Authority; or of the partner of such persons;

(a) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

(2) Seeking support for appointment: -

(a) Subject to sub-paragraph (c) below, the Authority will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Authority. The content of this sub-paragraph will be included in any recruitment information;

(b) Subject to sub-paragraph (c) below, no Councillor will seek support for any person for any appointment with the Authority;

(c) Nothing in sub-paragraphs (a) and (b) above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

3. Appointments

(1) The Authority must take the steps set out in sub-paragraph (2) where it proposes to appoint a Chief Officer, and the remuneration which it proposes to pay to the Chief Officer is £100,000 or more per annum;

(2) The steps are to:
(a) draw up a statement specifying–

(i) the duties of the officer concerned, and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

(3) Where sub-paragraph (1) applies, the Authority is not required to take the steps set out in sub-paragraph (2) (b) if it proposes to appoint the chief officer for a period of no longer than 12 months.

(4) (a) Where a post has been advertised as provided in paragraph 2(b), the Authority must–

(i) interview all qualified applicants for the post, or

(ii) select a short list of such qualified applicants and interview those included on the short list.

(b) Where no qualified person has applied, or if the Authority decide to re-advertise the appointment, the Authority may make further arrangements for advertisement in accordance with paragraph 2(b).

4. Appointment of Chief Officers and Heads of Service

(1) The Authority will appoint Chief Officers, Heads and Service and the Head of Democratic Services.

(2) Where a committee, sub-committee or officer is discharging, on behalf of the Authority, the function of the appointment of an officer designated as the Chief Executive, the Authority must approve that appointment before an offer of appointment is made. The power to approve the appointment of the Chief Executive must be exercised by the Authority itself and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of that power.

(3) Where a committee or a sub-committee of the Authority is discharging, on behalf of the authority, the function of the appointment of a Chief Officer, a Deputy Chief Officer, Head of Service or Head of Democratic Services –

(a) at least one member of the executive must be a member of that committee or sub-committee; and

(b) not more than half of the members of that committee or sub-committee are to be members of the executive of the Authority.

(4) The Authority must determine the level, and any change in the level, of the remuneration to be paid to a Chief Officer.

5. Appointment of Assistants to Political Groups

The appointment of assistants to political groups shall be made in accordance with the wishes of the political groups concerned.

6. Appointment of Officers other than Chief Officers and Heads of Service

The function of appointment of members of staff of the Authority, other than Chief Officers, Deputy Chief Officers, Heads of Service and the Head of Democratic Services, must be discharged, on behalf of the Authority, by the officer designated as the Chief Executive or by an officer nominated by the Chief Executive.

Nothing in the above paragraph prevents a person from serving as a member of any committee or sub-committee established by the Authority to consider an appeal by another person against any decision relating to the appointment of that other person as a member of staff of the Authority.

7. Disciplinary Action and Dismissal

(1) **Chief Officers and Heads of Service**

(a) Disciplinary action against and dismissal of Chief Officers, Deputy Chief Officers, Heads of Service, and Head of Democratic Services must be discharged by the Authority.

(b) Where a committee, sub-committee or officer is discharging, on behalf of the Authority, the function of the dismissal of an officer designated as the Chief Executive, the Authority must approve that dismissal before a notice of dismissal is given. The power to approve the dismissal of the Chief Executive must be exercised by the Authority itself and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of that power.

(c) Where a committee or a sub-committee of the Authority is discharging, on behalf of the authority, the function of the dismissal of Chief Officers, Deputy Chief Officer, Heads of Service or Head of Democratic Services-

(i) at least one member of the executive must be a member of that committee or sub-committee; and

(ii) not more than half of the members of that committee or sub-committee are to be members of the executive of the Authority.

(2) **Chief Executive, Monitoring Officer, Chief Finance Officer**

(a) No disciplinary action (other than action to which paragraph (c) applies) in respect of the Chief Executive, or its Monitoring Officer, its Chief Finance Officer, its Head of Democratic Services or any other officer referred to in paragraph (b) may be taken by the Authority, or by a committee, a sub-committee, a joint committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).

(b) An officer in relation to whom disciplinary action is proposed where-

(i) the officer was, but at the time of the proposed disciplinary action no longer is, an officer referred to in (a) and;
(ii) the alleged misconduct or, as the case may be, the reason for the proposal for dismissal, occurred during the period when the officer was an officer referred to in paragraph (a).

(c) The action to which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.

(3) **Officers other than Chief Officers, Heads of Service and Head of Democratic Services**

The function of dismissal of, and taking disciplinary action against a member of staff of the Authority other than Chief Officers, Deputy Chief Officers, Heads of Service and the Head of Democratic Services must be discharged, on behalf of the Authority, by the officer designated as the Chief Executive or by an officer nominated by the Chief Executive.

(b) Paragraph (a) does not apply to the dismissal of, or disciplinary action against, an officer in relation to whom disciplinary action is proposed-

(i) who was, but at the time of the proposed disciplinary action no longer is, a Chief Officer, Deputy Chief Officer, Head of Democratic Services, and (ii) where the alleged misconduct, or, as the case may be, the reason for the proposal for dismissal occurred during the period when the officer was an officer referred to in (i).

(c) Nothing in paragraph (a) prevents a person from serving as a member of any committee or sub-committee established by the relevant Authority to consider an appeal by a member of staff of the relevant Authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

8. Chief Executive, Monitoring Officer, Chief Finance Officer, Head of Democratic Services - Investigation of alleged misconduct

(1) Where it appears to the Authority that an allegation of misconduct which may lead to disciplinary action has been made against a relevant officer, the authority must appoint a committee (“an investigation committee”) to consider the alleged misconduct. A ‘relevant officer’ for this purpose is–

(a) the Chief Executive;

(b) its Monitoring Officer; or

(c) its Chief Finance Officer,

(d) its Head of Democratic Services or

(e) an officer who was, but at the time the investigation committee is appointed no longer is, an officer referred to in sub-paragraphs (a) to (d) where the alleged misconduct occurred during the period when the officer was an officer referred to in those sub-paragraphs.

(2) The investigation committee must:

(a) consist of a minimum of 3 members of the Authority;

(b) be politically balanced in accordance with section 15 of the Local Government and Housing Act 1989 Act; and must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

(3) For the purpose of considering the allegation of misconduct, the investigation committee:

(a) may make such enquiries of the relevant officer or any other person it considers appropriate;

(b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and

(c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.

(4) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person ("the designated independent person") for the purpose of paragraph 7(2)(a).

(5) The designated independent person who is appointed–

(a) must be such person as may be agreed between the Authority and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or

(b) where there is no such agreement, must be such person as is nominated for the purpose by the Welsh Ministers.

(6) The designated independent person–

(a) may direct–

(i) that the Authority terminate any suspension of the relevant officer;

(ii) that any such suspension is to continue after the expiry of the period referred to in paragraph 7 (2) (b);

(iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or

(iv) that no steps (whether by the Authority or any committee, sub-committee or officer acting on behalf of the authority) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (d);

(b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the authority, or which the Authority has power to authorise the designated independent person to inspect;

(c) may require any member or member of staff of the Authority to answer questions concerning the conduct of the relevant officer;

(d) must make a report to the Authority–

(i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and

(ii) recommending any disciplinary action which appears appropriate for the Authority to take against the relevant officer, and

(e) must no later than the time at which the report is made under sub-paragraph d), send a copy of the report to the relevant officer.

(7) Subject to paragraph (8), the relevant officer and the Authority must, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.

(8) Where there is no agreement under paragraph (7), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

(9) The Authority must consider the report prepared under paragraph (6) (d) within 1 month of receipt of that report.

(10) The Authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.

SECTION 13

13. FINANCE CONTRACTS AND LEGAL MATTERS

13.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Section 0 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Section 0 of this Constitution.

13.3 Legal Proceedings

13.3.1 The Monitoring Officer is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.

13.3.2 The Monitoring Officer has delegated powers to authorise Officers to appear in court on the Council's behalf.

13.4 Authentication of Documents

13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him/her, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority to some other person.

13.4.2 Every contract not exceeding £500,000 in amount or value shall be made in writing in a form approved by the Monitoring Officer, such form being the Form of Tender. Subject to the Contracts Procedure Rules, such contracts must be signed by the Appropriate Chief Officer or by an officer in writing authorised to approve on behalf of the Appropriate Chief Officer.

13.4.3 In addition to any other person who may be authorised by resolution of the Council, the Proper Officer for the purposes of authentication of documents under the Local Government Acts shall be:

(a) the Chief Executive;

(b) the Monitoring Officer ;

(c) any Chief Officer of the Council concerned with the matter to which the document relates; or,

(d) any Officer authorised in writing by such Chief Officer.

13.5 **Common Seal of the Council**

13.5.1 Common Seal

(a) The Common Seal of the Council shall be kept in a safe place in the custody of the Monitoring Officer.

(b) A decision of the Council, including decisions under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision.

13.5.2 Sealing and Execution of Documents

(a) The Monitoring Officer shall have authority to affix the Common Seal and execute under Seal any deed or document.

(b) The Monitoring Officer shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

(c) This function can be delegated further by the named person.

13.5.3 Record of Sealing of Documents

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Monitoring Officer and consecutively numbered in a book to be provided for the purpose.

SECTION 14

14. RESPONSIBILITY FOR FUNCTIONS - SUMMARY

The purpose of this Section of the Constitution is to set out who is responsible for making the various decisions in the Council.

14.1 Who can be Decision Makers?

Under this constitution, there are a number of different decision makers:

14.1.1 Full Council;

14.1.2 a Committee or Sub-Committee of the Council;

14.1.3 the Executive Leader;

14.1.4 the Cabinet;

14.1.5 a Committee of Cabinet;

14.1.6 an individual Cabinet Member;

14.1.7 a Joint Committee;

14.1.8 a Corporate Joint Committee;

14.1.9 an Officer.

The Council will issue and keep up to date a record of which individual has responsibility for particular types of decisions. This record is set out in Section 14 of this Constitution.

14.2 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

14.2.1 proportionately (ie the action must be proportionate to the desired outcome);

14.2.2 due consideration and the taking of professional advice from Officers;

14.2.3 respect for human rights;

14.2.4 a presumption in favour of openness;

14.2.5 clarity of aims and desired outcomes;

14.2.6 consideration of any alternative options; and

14.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

14.3 Functions fall into the following categories:

14.3.1 Functions of the Full Council

The Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Council by Law. It may also delegate many of those functions to a Committee, Sub-Committee or Officer. The functions of the Full Council are set out in Section 4.

14.3.2 Non-Executive Functions

These are functions which, by law, may not be the responsibility of the Cabinet. In some cases, only the Full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an Officer.

14.3.3 "Local Choice" Functions

There are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion.

14.3.4 Executive Functions

All other functions are Executive Functions.

14.4 **Other Bodies**

14.4.1 Advisory Bodies

The Council and/or the Leader can also set up Advisory Committees and Joint Advisory Committees.

14.4.2 Overview and Scrutiny Committees

Overview and Scrutiny Committees are responsible for the overview and scrutiny function. They cannot exercise other functions and make decisions.

14.4.3 Officer Delegations

Officer delegations are published in the Scheme of Delegation of Functions, available on the Council's website.

14.5 **Who Decides – Non-Executive Functions?**

14.5.1 The Council may decide whether to delegate Non-Executive Functions to a committee, sub-committee, delegated Officer or joint committee.

14.5.2 Where a non-Executive Function has been delegated to a committee, the committee may further delegate to a sub-committee or delegated Officer.

14.5.3 Where a non-Executive Function has been delegated to a sub-committee, the sub-committee may further delegate to a delegated Officer.

14.6 **Who Decides – Executive Functions?**

The Leader may decide whether to delegate Executive Functions to a committee of the Cabinet, an individual Cabinet Member, a delegated Officer or a joint committee.

14.7 **Removal of Delegation**

14.7.1 Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any particular case, and may exercise the function itself.

14.7.2 Where a function has been delegated, the decision maker is not required to exercise the delegation and may refer any particular matter to the body that made the delegation or any other body that has power to exercise the function.

14.8 **Who May Exercise Officer Delegations?**

Where a function has been delegated to an Officer(s) ("delegated Officer(s)"), the decision may be taken in the name of (but not necessarily personally by) such delegated Officer(s) ("authorised Officer(s)") in accordance with arrangements made from time to time by such delegated Officer(s) for this purpose. The Officer with delegated powers can only delegate to a third party if that Officer is given delegated powers to "delegate on" that decision making.

APPENDIX 1 TO SECTION 14

Non-Executive Functions

Member Body	Membership	Functions
Appeals Panel	Chairperson and/or Vice Chairperson together with one or two County Borough Councillors drawn on a rota basis from a panel of ten County Borough Councillors.	To hear and determine appeals under the following policies and procedures of the Council: • Disciplinary; • Grievance; • Management of Absence; • Dignity at Work; • Capability; • Redundancy and Redeployment
Appointments Committee	The Appointments Committee is comprised of 8 Elected Member representatives: • Leader (Chairperson) • Deputy Leader • Cabinet Member (of relevant portfolio to the post) • 2 x Bridgend County Independent Members • 2 x Democratic Alliance Members 1 x Labour Member	1. To undertake the appointment process of JNC officers (other than the Chief Executive). 2. To undertake the appointment process of the Chief Executive and recommend to full Council an appointable candidate(s). Substitution of Appointments Committee Members is permissible but only for the whole of an appointments process. 3. To facilitate the JNC Determination and JNC Appeals panels. These will comprise of 3 members with the Leader or Deputy Leader chairing the panel supported by 2 other members of the committee. The JNC Panels cannot be substituted and must be comprised from the original membership of the Appointments Committee.

Member Body	Membership	Functions
Governance and Audit Committee	8 County Borough Councillors and 4 Lay Members.	• Review, scrutinise and issue reports and recommendations in relation to the Council's financial affairs, • Review, scrutinise and issue reports and recommendations on the appropriateness of the Council's risk management, internal control, arrangements to secure value for money and corporate governance arrangements. • To consider the report on the annual risk assessment, any interim reports and the Corporate Risk Management Policy. • Oversee the Council's internal and external audit arrangements (including the performance of external providers of Internal Audit) and review its financial statements. • To approve the Internal Audit Charter. • To approve the risk-based internal audit plan and to approve significant interim changes to the risk-based internal audit plan. • To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years. • To consider and approve the Head of Internal Audit's annual report and opinion, a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements. • To consider and approve reports from Internal Audit on the adequacy of internal control.

Member Body	Membership	Functions
		• To consider and approve reports dealing with the management and performance of the providers of internal audit services. • To consider reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale and approve necessary remedial action. • To identify issues from the Annual Improvement Report by Audit Wales. • To identify areas for examination by Internal and External Audit. • To be responsible for ensuring effective scrutiny of the Treasury Management function and policies, in accordance with the Treasury Statement and Treasury Management Indicators. • To maintain an overview of the Council's Constitution in respect of Contract and Finance Procedure Rules. • To review any issue referred to it by the Chief Executive Officer, the Monitoring Officer and the Section 151 Officer. • To monitor the Council's Anti-Fraud and Bribery Strategy, Anti-Money Laundering Policy and Anti-Tax Evasion Policy. • To review and approve the Council's Annual Governance Statement and Code of Corporate Governance. • To assess the Council's compliance with its own and other published standards and controls. • To review and approve the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the

Member Body	Membership	Functions
		financial statements or from the audit that need to be brought to the attention of the Council. • To consider and approve the External Auditor's report in relation to those charged with governance on issues arising from the audit of the accounts. • To review and consider reports from the External Auditor on the Council's performance, financial probity and corporate governance and providing the opportunity for direct discussion with the auditor on these. • To receive reports from the External Regulators as appropriate. • To attend relevant training sessions in accordance with the Members Training programme e.g. Treasury Management. • To review and assess the Council's ability to handle complaints effectively; • To make reports and recommendations in relation to the Council's ability to handle complaints effectively; • To review the Council's draft self-assessment report on its performance and, if deemed necessary, make recommendations for changes to the conclusions; • To receive the Council's self-assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year; • At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the panel performance assessment report into

Member Body	Membership	Functions
		which the Council is meeting its performance requirements; • To receive and review the Council's draft response to the report of the panel performance assessment and, if deemed necessary, make recommendations for changes to the statements made in the draft response; • To consider the assurance framework, including partnerships and collaboration arrangements; • To support the ethical framework of the Council
Democratic Services Committee	11 County Borough Councillors	1. To designate an officer as the Head of Democratic Services, 2. To review the adequacy of provision of staff, accommodation and other resources to discharge democratic services functions, and 3. To make reports and recommendations to Council, at least annually, in relation to such provision. 4. At the request of the Council, review any matter relevant to the support and advice available to members of the Council, and the terms and conditions of office of those members. 5. To make reports and recommendations to the Council following a review.
Democratic Services Sub-Committee	3 County Borough Councillors that are members of the Committee	A Panel constituted under The Family Absence for Members of Local Authorities (Wales) Regulations 2013 a) Determine a complaint made by a Member

Member Body	Membership	Functions
		regarding cancellation of family absence by the authority b) The Sub-Committee may confirm a decision made or substitute its own decision as to the Member's entitlement to a period of family absence in accordance with the 2013 Regulations. c) Determine a complaint made by a Member on maternity absence or parental absence regarding a decision made by the chair of the authority as to the Member attending any meeting or performing any duty; d) The Sub-Committee may confirm the decision of the chair of the authority or substitute its own decision as to the Member attending any meeting or performing any duty; e) The decision of the Sub-Committee is final.
Development Control Committee	18 County Borough Councillors	1. To make recommendations to the Council in respect of Departure Applications which the Committee are minded to approve and Applications which accord with Council policy which the Committee are minded to refuse; 2. To determine applications for planning permission including applications by the Council for deemed planning permission other than Departure Applications which the

Member Body	Membership	Functions
		Committee are minded to approve and Applications which accord with Council policy which the Committee are minded to refuse; 3. To deal with all matters relating to or arising under the regulations for the time being in force governing the control of advertisements; 4. To authorise the service of notices and the making of orders in accordance with the powers conferred upon the Council as local planning authority by Parts III, IV, VI, VII, VIII and XIII of the Planning (Listed Buildings and Conservation Areas) Act 1990; 5. To discharge the Council's functions pursuant to Part I, Chapters II, III, IV and VI, Part II, Sections 72-75, Part III and Part IV of the Planning (Listed Buildings and Conservation Areas) Act 1990; 6. To discharge the Council's functions pursuant to the Planning (Hazardous Substances) Act 1990; 7. To deal with all matters relating to or arising under the regulations for the time being in force governing European Nature Conservation Sites; 8. To discharge the Council's functions under the Building Regulations; 9. To be responsible for:

Member Body	Membership	Functions
		a) The making of Tree Preservation Orders; b) The confirmation of Tree Preservation Orders in respect of which there are no subsisting objections or representations; c) The determination of all applications for consent under confirmed Tree Preservation Orders; d) The making of observations on tree felling licences proposed to be granted by National Resources Wales; e) The determination of applications under the Woodland Grant Scheme; 10. To approve design briefs and advice notes relating to the control of development; 11. To accept tenders for the execution of work, the performance of services or the supply of goods or materials in connection with the exercise of the functions of the Committee; 12. To exercise those functions relating to town and country planning and development control specified: (a) In column (1) of Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001; and In Regulations 2(2), 2(3) or 2(4) of those Regulations; which are not specified in paragraphs 1 to 11 above, unless the responsibility for exercising any of those functions has been delegated by the Council

Member Body	Membership	Functions
		to any other committee, sub-committee, panel or other body.
Rights of Way Sub-Committee	6 County Borough Councillors (plus one observer from each: Ramblers' Association; the British Horse Society; and a Footpath Secretary).	1. To approve the making of applications for and the making, modification or variation of orders relating to rights of way in pursuance of any provision contained in the following enactment (or any statutory modification, re-enactment or amendment thereof): Town and Country Planning Act 1990; 2. To confirm, where the Council has power to do so, any proposed Order made in accordance with paragraph 1 above to which there are no objections or in respect of which any objections made are withdrawn; 3. Where the Council does not have power to determine any proposed Order to refer the proposed Order to such determining body (i.e. the National Assembly for Wales, the Magistrates' Court or the County Court) as is appropriate in the circumstances.
The Licensing Committee	14 County Borough Councillors	To determine from time to time any standard conditions applicable to and detailed policies governing the issue of the following licences, permits and consents; to determine the amount of the fees to be charged from time to time in respect of those licenses, permits and consents; and to determine objections in relation to proposed fee revisions: a) Hackney Carriage and Private Hire Vehicle Licences, Drivers'

Member Body	Membership	Functions
		Licences and Operators' Licences; b) Licences for Pleasure Boats and Vessels; c) Street Trading Licences and Consents; d) Sex Establishments; e) Street Collections; f) House to House Collections; g) Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987. h) Section 26(1)(bb) of the Marriage Act 1949, (as amended) To prescribe guidelines, conditions, limitations or restrictions governing the grant of applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences by Council officers under the power delegated to them; To resolve to designate any street within the County Borough under the street trading provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and to deal with any matter arising there from, including licence and consent issues.

Member Body	Membership	Functions
The Licensing Sub-Committee	Two Panels sitting on a rota basis each consisting of seven county borough councillors, and chaired by the Chairperson and Vice Chairperson of the Licensing Committee	To hear and determine applications and to deal with all detailed matters (including the suspension and revocation of licences) relating to: a. Hackney Carriage and Private Hire Vehicle Licences, Drivers' Licences and Operators' Licences; b. Licences for Pleasure Boats and Vessels; c. Street Trading Licences and Consents; d. Sex Establishments; e. Street Collections; f. House to House collections; To determine any matters in relation to the Drivers Awareness Course for Hackney Carriage and Private Hire Vehicle Drivers, including the making of any charges deemed appropriate. To determine all applications in respect of both designated grounds and regulated stands and grounds under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987. To hear and determine applications for the grant or renewal of approvals of premises for the solemnisation of marriages in pursuance of Section 26(1)(bb) of the Marriage Act 1949, (as amended) or to revoke such

Member Body	Membership	Functions
		approvals, in circumstances in which the Council Officer to whom the power to determine such applications, or to revoke such approvals, has been delegated has declined to exercise the delegated power.
The Licensing Act 2003 Committee	14 County Borough Councillors	All matters relating to the discharge by the licensing authority of its licensing functions under the Licensing Act 2003 other than any function conferred by section 5 in respect of its statement of licensing policy; All matters relating to the discharge by the Licensing Authority of its licensing functions under the Gambling Act 2005 other than any function conferred by section 349 in respect of its statement of Licensing Policy and section 166 in respect of a resolution not to issue a casino license.
The Licensing Act 2003 Sub-Committee(s)	Ad-hoc panels of 3 Licensing Act 2003 Committee members sitting on a rota basis chaired by the Chairperson or Vice-Chairperson of the Licensing Act 2003 Committee or in their absence a member of the panel to be elected as chairperson for that meeting	To hear and determine or make decisions (as appropriate) under the Licensing Act 2003 regarding the following matters: (a) Applications for personal licences (if police objection): (b) Applications for personal licences with unspent convictions: (c) Applications for premises licences/club premises certificates (if relevant representation made); (d) Applications for provisional statements (if relevant representation made); (e) Applications to vary premises licences/club premises certificates (if

Member Body	Membership	Functions
		relevant representation made); (f) Applications to vary designated premises supervisor (if police objection); (g) Applications for transfer of premises licence (if police objection); (h) Applications for interim authorities (if police objection); (i) Applications to review premises licences/club premises certificate; (j) Whether to object when the authority is a consultee and not the relevant authority considering an application; (k) Determination of police objections (counter notices) to temporary event notices; (l) Revocations of licences where convictions come to light. 2. To determine applications received in respect of the Legislative Reform (Minor variations to Premises Licences and Club Premises Certificates) Order 2009. 3. To determine applications received in respect of the

Member Body	Membership	Functions
		Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009. 4. To hear and determine or make decisions (as appropriate) under the Gambling Act 2005 regarding the following matters: (a) Applications for Premises Licence; (b) Application for variation of Premises License; (c) Application for transfer of Premises Licence; (d) Application for Provisional Statement; (e) Review of Premises License; (f) Application for Club Gaming / Club Machine permit; (g) Cancellation of Club Gaming / Club Machine permit; (h) Cancellation of Licensed Premises Gaming Machine permit; (i) Consideration of temporary use notice; (j) Decision to give counter notice to a temporary use notice; (k) Decision to refuse application for small lottery registration; (l) Decision to disapply s282 - automatic entitlement to gaming machines in licensed premises.

Member Body	Membership	Functions
		Other matters where the Council Officer to whom the power to determine or revoke has been delegated declines to exercise the delegated power.
Town and Community Council Forum	Nineteen County Borough Councillors and one Town and Community Councillor representing each Town and Community Council	To consult with representatives of Town and Community Councils within the County Borough on matters of mutual interest.

The Committees set out above may from time to time add to or alter those delegations, as appropriate, within their functional responsibilities.

Certain functions have been delegated to Officers. Details of those delegations can be found in the Scheme of Delegation of Functions on the Council's website.

APPENDIX 2 TO SECTION 14

Responsibility for Executive Functions

The Leader is responsible for discharge of Executive Functions and may delegate those functions as set out in Section 5 of this Constitution.

The Leader has allocated portfolios (lead responsibilities) for particular Executive Functions among individual Member of the Cabinet. Normally, decisions will be taken collectively by the Cabinet but individual Cabinet Members can make decisions within their portfolios which they consider to be urgent to protect the interest of the Council, subject to prior consultation with the appropriate Chief Officer(s) and, where necessary, other Cabinet Members. If there is uncertainty as to whether a matter falls within a particular portfolio, the Leader will make a determination as to which is the relevant Cabinet Member. The Leader can make urgent decisions in the absence of the appropriate portfolio holder.

The table below indicates how the Leader has allocated particular Executive Functions by a Committee of Cabinet:

Member Body	Membership	Functions.
Equalities Committee	17 elected members, 7 of whom are Cabinet members and have voting rights.	▪ To ensure that appropriate equality and Welsh language policies and procedures are in place to fulfil the Authority's statutory duties. ▪ To consider and make recommendations to Cabinet on proposals from the Corporate Equality Management Group on the development and implementation of the Authority's Corporate Equality Scheme and Welsh language Scheme. ▪ To monitor and review community and employee involvement in the development and implementation of the Corporate Equality Scheme. ▪ To request and receive information and statistical monitoring reports about the authority's workforce related to those groups of people protected by anti-discrimination

		legislation, (including: gender, marital status, age, race, disability, Welsh language, religion, belief and sexual orientation). ▪ To monitor and assess the Authority's performance against the Equality Improvement Framework. ▪ To report annually to Cabinet on the Authority's progress against the objective set out in the Corporate Equality Scheme and Welsh language scheme in line with the Wales Programme for Improvement. ▪ To make recommendations to Cabinet for improvement in performance in fulfilment of the Authority's statutory duties.
Corporate Parenting	12 elected members, 7 of whom are Cabinet members and have voting rights.	▪ To ensure that Looked After Children are seen as a priority by the whole of the Authority and by the Children and Young People's Partnership. ▪ To seek the views of Children and Young People in shaping and influencing the parenting they receive. ▪ To determine appropriate policies, opportunities and procedures. ▪ To monitor and evaluate the effectiveness of the Authority in its role as corporate parent against Welsh Assembly guidance.

		▪ To approve the Permanence Policy in relation to Looked After Children. ▪ To approve individual Statements of Purpose for the service areas of Fostering, Adoption and Children's Homes. ▪ To receive information specifically relating to Looked After Children and the Authority's Corporate Parenting Role. ▪ To approve the Placement Strategy. ▪ To approve Support Plans and Recruitment Campaigns for Foster Parents. ▪ To approve Schemes in relation to work experience, training and apprenticeships for Looked After Children and former Looked After Children. ▪ To approve increases in allowances which can be funded within existing budgets and amendments to the method of assessing financial support relating to Looked After Children. • To approve Residential Reviews relating to Looked After Children

APPENDIX 3 TO SECTION 14

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Functions	Member Body	Membership	Delegation of Functions
Section 6 (Coal-mining operations: Performance bonds).	Council, through the Development Control Committee	18 County Borough Councillors	Delegated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 8 (Council to be trust corporation).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Education and Family Support (see Schemes of Delegation of Functions).
Section 9 (Access for fire brigade).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 10 (Dust, etc., from building operations).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 11 (Dust from the movement of coal).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 12 (Cost of weatherproofing walls).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).

Functions	Member Body	Membership	Delegation of Functions
Section 13 (Retaining walls).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 14 (Plans, etc., of new sewers).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 15 (Seizure of stray animals).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council (see Schemes of Delegation of Functions).
Section 16 (Expenses of executing demolition orders).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 17 (Prohibition of parking of certain vehicles in residential streets).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 18 (Restriction on use of dustbins, etc.).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 19 (Repair of walls, etc., of yards).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to the Solicitor to the Council(see Schemes of Delegation of Functions).

Functions	Member Body	Membership	Delegation of Functions
Section 22 (Protection of seashore and adjoining land from pollution).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 23 (Power to employ lifeguards).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Social Services and Wellbeing (see Schemes of Delegation of Functions).
Part V (Porthcawl Harbour).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Communities (see Schemes of Delegation of Functions).
Section 67(1) of, and Schedule 18 to, the School Standards and Framework Act 1998 (Making of arrangements for appeals against exclusion of pupils).	Council	51 County Borough Councillors.	None.
Section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (Making of arrangements for admission appeals).	Council	51 County Borough Councillors.	None.
Section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (Making of arrangements regarding appeals by governing bodies).	Council	51 County Borough Councillors.	None.
Section 20 of the Police Act 1996 (Making of	Council	51 County Borough Councillors.	None.

Functions	Member Body	Membership	Delegation of Functions
arrangements for questions on police matters at Council meetings).			
Paragraphs 2 to 4 of Schedule 2 to the Police Act 1996 (Making of appointments to police authorities).	Council	51 County Borough Councillors.	None.
Any function relating to contaminated land.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council (see Schemes of Delegation of Functions).
Any function relating to the control of pollution or the management of air quality.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council (see Schemes of Delegation of Functions).
The service of an abatement notice in respect of a statutory nuisance.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).
Passing of resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 shall apply to the authority's area.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	None.
Inspection of the Authority's area to detect any statutory nuisance.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).
Investigation of a complaint as to the existence of a statutory nuisance.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).

Functions	Member Body	Membership	Delegation of Functions
Section 330 of the Town and Country Planning act 1990 (Obtaining of information as to interests in land).	Council	51 County Borough Councillors.	Delegated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (Obtaining of particulars of persons interested in land).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities and the Solicitor to the Council(see Schemes of Delegation of Functions). Functions).
Making of agreements for the execution of highway works.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
The appointment of any individual: (a) To any office other than an office in which he/she is employed by the Council; (b) To any body other than: (i) the Council; (ii) a joint committee of two or more authorities; or c) a committee or sub-committee of such a body, and the revocation of any such appointment.	Cabinet (in respect of appointments to offices or bodies discharging or performing any role in connection with functions which are the responsibility of the Cabinet); otherwise the Council	Leader, Deputy Leader and four other County Borough Councillors (Cabinet); otherwise 51 County Borough Councillors (Council).	None.
Power to make payments or provide other benefits in cases of maladministration etc.	Council	51 County Borough Councillors.	None.

Functions	Member Body	Membership	Delegation of Functions
Discharge of any function by an authority acting as a harbour authority.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Communities (see Schemes of Delegation of Functions)
Licensing Functions in accordance with: Part 2 of the Licensing Act 2003 except Section 6	Council	51 County Borough Councillors	None
The functions contained in sections 25 and 26 of the Highways Act 1980 (Creation of Highways).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
The functions contained in sections 116, 117, 118, 118ZA, 118A, 118B, 118C, 119, 119ZA, 119A, 119B, 119C, 119D, 120, 121B of the Highways Act 1980 (Stopping up and diversion of Highways).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
The functions contained in sections 130, 139, 140, 140A, 142, 147, 147ZA, 149, 169, 171, 171A, 172, 173, 178, 179, 180 of the Highways Act 1980 (Lawful and unlawful interference with Highways and Streets).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
The functions contained in section 34 of the Wildlife and Countryside Act	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of

Functions	Member Body	Membership	Delegation of Functions
1981 (Limestone pavement orders).			Delegation of Functions).
The functions contained in section 53 of the Wildlife and Countryside Act 1981 (Duty to keep definitive map and statement under continuous review).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
Functions in respect of gambling under sections 29, 30, 166, 212, 284, 304, 346, 349, 350 and Part 5 of Schedule 11 of the Gambling Act 2005.	Council	51 County Borough Councillors.	Specified functions allocated to the Licensing Committee and to the Solicitor to the Council(see Constitution and Schemes of Delegation of Functions).
To determine all appeals against decisions made by or on behalf of the Authority except where there is other specific statutory requirement.	Council	51 County Borough Councillors.	To the Appeals Panel Chairperson and/or Vice Chairperson together with one or two County Borough Councillors drawn on a rota basis from a panel of ten County Borough Councillors.
Functions in respect of the calculation of council tax base in accordance with any of the following— (a) the determination of an item for T in section 33(1) and 44(1) of the Local Government Finance Act 1992; (b) the determination of an amount for item TP in sections 34(3),	Council	51 County Borough Councillors	None

Functions	Member Body	Membership	Delegation of Functions
45(3) 48(3) and 48(4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.			
The functions set out in the Scrap Metal Dealers Act 2013.	Cabinet	Leader, Deputy leader and four other County Borough Councillors.	Specified functions allocated to the Solicitor to the Council (see Schemes of Delegation of Functions).

SECTION 15

15. ACCESS TO INFORMATION PROCEDURE RULES

15.1 Scope

These rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committee, the Standards Committee, and Regulatory Committees.

15.2 Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

15.3 Rights to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

15.4 Notices of Meeting

15.4.1 Unless a meeting is convened at short notice, the Council will give at least three clear days' notice of any meeting by posting details of the meeting on its website.

15.4.2 Where the meeting or part of the meeting is open to the public and is held wholly through remote means, the notice must include details of the time of the meeting, and how to access it.

15.4.3 Where the meeting or part of the meeting is open to the public and is held partly through remote means, the notice must include details of the time and place of the meeting and how to access it.

15.4.4 Where the meeting is not open to the public and is held partly through remote means or not held through remote means, the notice must include details of the time and place of the meeting and the fact that it is not open to the public.

15.4.5 Where the meeting is not open to the public and is held through remote means only, the notice must include details of the time of the meeting, the fact that it is being held through remote means only and the fact that it is not open to the public.

15.5 Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on its website at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

15.6 Supply of Copies

The Council will supply copies of:

15.6.1 any agenda and reports which are open to public inspection;

15.6.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and

15.6.3 if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person either electronically or on payment of a charge for postage and any other printing and handling costs.

15.7 **Access to Minutes etc after the Meeting**

The Council will make available either electronic or hard copies of the following for a period of six years after the date of a meeting:

15.7.1 the minutes of the meeting or record of decisions taken by the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;

15.7.2 a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;

15.7.3 the agenda for the meeting;

15.7.4 reports relating to items when the meeting was open to the public.

15.8 **Background Papers**

15.8.1 List of Background Papers

The Officer preparing the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information as defined in Rule 15.10.

15.8.2 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

15.9 **Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at the Civic Offices, Angel Street, Bridgend, CF31 4WB and published on the Council's website.

15.10 **Exclusion of Access by the Public to Meetings**

15.10.1 Confidential Information – Requirement to Exclude Public

(a) The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential information would be disclosed.

15.10.2 Exempt Information – Discretion to Exclude Public

(a) The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that exempt information would be disclosed.

(b) Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in article 6.

15.10.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

15.10.4 Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to any condition):

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

No.	Category of Exempt Information	Condition
1.	Information relating to any individual.	Public interest test applies (see below).
2.	Information which is likely to reveal the identity of an individual.	Public interest test applies (see below).
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under: • The Companies Act 1985; • The Friendly Societies Act 1974; • The Friendly Societies Act 1992;

No.	Category of Exempt Information	Condition
		• The Industrial and Provident Societies Acts 1965 to 1978; • The Building Societies Act 1986; or • The Charities Act 1993. Public interest test applies (see below).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Welsh Minister or a Minister of the Crown and employees of, or office holders under, the authority.	Public interest test applies (see below).
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the authority proposes: • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment.	Public interest test applies (see below).
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Public interest test applies (see below). *(In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):* 7A Information which is subject to any obligations of confidentiality.	Public interest test applies (see below).

No.	Category of Exempt Information	Condition
	7B Information which relates in any way to matters concerning national security. 7C The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.	

15.11 **Public Interest Test**

15.11.1 Information which:

(a) falls within any of paragraphs 1 to 4, 6 and 7 above; and

(b) is not prevented from being exempt by virtue of the "qualifications" above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15.11.2 The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

15.11.3 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

(a) There is a distinction between public interest and what merely interests the public.

(b) Does it further the understanding of and participation in the public debate of issues of the day?

(c) Does it promote accessibility and transparency by public authorities for decisions taken by them or in the spending of public money?

(d) Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?

(e) Does it bring to light information affecting public health and public safety?

15.12 **Exclusion of Access by the Public to Reports**

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which, in his or her opinion, relate to items during which, in accordance with Rule 15.10, the meeting is likely not to be open to the public. Such reports will be marked "Not for

Publication", together with the category of information likely to be disclosed and if applicable, why it is in the public interest it is considered that the information should not be disclosed.

15.13 **The Forward Work Programme**

15.13.1 Period of Forward Work Programme

The Forward Work Programme will be prepared by the Monitoring Officer to cover a period of four months except when ordinary elections of Councillors occur, in which case the forward work programme will cover the period up to the date of the elections. The forward work programme will be updated quarterly.

15.13.2 Contents of Forward Work Programme

(a) The Forward Work Programme will contain matters which the Cabinet, Overview and Scrutiny Committees and Full Council are likely to consider. It will contain information on:

(i) the timetable for considering the Budget and any plans forming part of the Policy Framework and requiring Council approval, and which body is to consider them;

(ii) the timetable for considering any plans, policies or strategies which are the responsibility of the Cabinet;

(iii) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;

(iv) the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

(b) The Forward Work Programme will be published at least fourteen days before the start of the period covered. The Monitoring Officer will publish a notice in at least one newspaper circulating in the area, stating that the Forward Work Programme has been published and giving details of where it may be consulted or obtained.

15.14 **Consultation on Proposals to be Considered by the Cabinet**

15.14.1 At least four weeks should be permitted in the Forward Work Programme for consultation with the Overview and Scrutiny Committees where a matter is to be considered by the Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in paragraph 15.10).

15.14.2 A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last Forward Work Programme was produced and a decision is required within four weeks.

15.14.3 A decision can only be treated as urgent if the decision taker (if an individual) or the Chair of the body making the decision obtains the agreement of the Chair of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the relevant Overview

and Scrutiny Committee, or if the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor or, in his/her absence, the Deputy Mayor will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

15.15 **Record of Decisions of the Cabinet**

15.15.1 The Decision Record

(a) A written record will be made of every Executive Decision made by the Cabinet and its Committees (if any) and by individual Cabinet Members, and Joint Committees and Joint Sub-Committees whose Members are all Members of a local authority executive.

(b) This decision record will include a statement, for each decision, of:

(i) the decision made;

(ii) the date the decision was made;

(iii) the reasons for that decision;

(iv) any personal interest declared;

(v) any dispensation to speak granted by the Authority's Standards Committee;

(vi) any consultation undertaken prior to the decision.

15.15.2 Preparing the Decision Record

(a) The Monitoring Officer or his or her representative shall attend any meeting of the Cabinet, a Committee of the Cabinet or a Joint Committee or joint Sub-Committee where all its Members are Members of a local authority Executive, and shall, as soon as reasonably practicable after the meeting, produce a decision record.

(b) Where an individual Cabinet Member has made any Executive Decision:

(i) that Member shall as soon as reasonably practicable instruct the Chief Executive to produce a decision record; and

(ii) the decision shall not be implemented until that decision record has been produced, subject to paragraph (c) below.

(c) Where the date by which an Executive Decision made by an individual Cabinet Member must be implemented makes compliance with (b)(b)(ii) above impracticable, the decision may be implemented if the decision maker has the agreement of

(i) the Chair of the relevant Overview and Scrutiny Committee; or

(ii) if there is no such person or that person is unable to act, the Mayor; or

(iii) if there is none of the above then the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

15.16 **Decisions by An Individual Member of the Cabinet**

An individual Cabinet Member may only make a decision within the terms of the Scheme of Delegation of Functions for the time being in force. The Cabinet Member will comply with the procedural requirements of the Scheme of Delegation of Functions. The decision recording rules in paragraph 15.15 will apply.

15.17 **Overview and Scrutiny Committee and Members' Access to Documents**

15.17.1 Rights of Access

Subject to paragraph 15.17.2 below, Overview and Scrutiny Committees will be entitled to access to any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

(a) any business transacted at a meeting of the Cabinet or its Committees; or

(b) any decision taken by an individual Member of the Cabinet.

15.17.2 Limit on Rights

Overview and Scrutiny Committee will not be entitled to any part of a document that contains:

(a) confidential or exempt information; or

(b) advice provided by a political advisor or assistant

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of the Committees.

15.18 **Additional Rights of Access for Members of Overview and Scrutiny Committees**

15.18.1 Rights of Access

All Members will be entitled (except where a Member has a prejudicial interest in any matter) to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business transacted at a meeting of a decision making body of the Council or by an individual Member of the Cabinet.

15.18.2 Limitation on Rights

A Member will not be entitled to any part of a document where:

(a) it would disclose exempt information falling within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972; or

(b) it would disclose advice of a political advisor or assistant.

15.18.3 Nature of Rights

These rights of a Member are additional to any other right he/she may have.

SECTION 16

16. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

16.1 The Framework for Executive Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Section 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

16.2 Process for Developing the Framework

16.2.1 The Cabinet will publicise by including it in the Forward Work Programme a timetable for making proposals to the Council for the approval of the Budget, and its arrangements for consultation upon its initial Budget proposals. The Chairpersons of the Overview and Scrutiny Committees will also be notified of the initial Budget process. The consultation period shall be not less than four weeks. If an Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. At the end of the consultation period and in accordance with the published timetable, the Cabinet will draw up firm proposals having regard to the responses to that consultation.

16.2.2 The Cabinet, following detailed reports from respective Chief Officers, (following appropriate consultation with stakeholders, including any response from the Corporate Overview and Scrutiny Committee) will present to Council at the earliest opportunity, proposed plans, policies and the associated annual budgets. This will be done allowing adequate time for Council to deal with the matter and, if needed, refer the matter back to the Cabinet for further consideration.

16.2.3 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place (see 16.2.4 below). In considering the matter, the Council shall have before it the Cabinet's proposals and any related report from an Overview and Scrutiny Committee.

16.2.4 Any amendments to the proposals of the Cabinet to be proposed by Members at Council may not be considered by Council unless notice of the proposed amendment has been given to the Monitoring Officer and Chief Finance Officer in writing and signed by the proposer and seconder no later than 10:00am at least three clear working days before the date of the Council meeting. Any amendment will only be acceptable if it proposes a budget which balances overall income with expenditure for the coming year. The source of funding any proposals must be robust and defined and accepted as such by the Chief Finance Officer.

16.2.5 The Council's decision will be publicised and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period.

16.2.6 If the Leader objects to the decision of the Council, he/she shall give written notice to the Chief Executive to that effect, prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

16.2.7 The Council meeting must take place within five working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

16.2.8 The Council shall, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.

16.3 **Process for Developing the Budget**

16.3.1 The Cabinet will follow the process set out in the Financial Procedure Rules in Section 0 of the Constitution. In addition the following process shall apply to the development of the Budget:

(a) The Cabinet will publicise a timetable for making proposals to the Council for the adoption of the Budget, and its arrangements for consultation after publication of the initial proposals. The Chair of the Corporate Overview and Scrutiny Committee will also be notified.

(b) At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses to the consultation. If the Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. The Overview and Scrutiny Committee shall report to the Cabinet on the outcome of its deliberations.

16.3.2 The Cabinet will take any response from the relevant Overview and Scrutiny Committee account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

16.3.3 Once the Cabinet has approved the firm proposals, it will refer them at the earliest opportunity to the Council.

16.4 **Decisions Outside the Budget or Policy Framework**

16.4.1 Subject to the provisions of paragraph 16.6 (Virement) the Cabinet, committees of the Cabinet, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Full Council, then that decision may only be taken by the Council, subject to paragraph 16.5 below.

16.4.2 If the Cabinet, committees of the executive, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions want to make such a decision, they shall take advice from the Monitoring Officer and/or

the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget.

16.4.3 If the advice of either of those Officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 16.5 (urgent decisions outside the Budget and Policy Framework) shall apply.

16.5 **Urgent Decisions Outside the Budget or Policy Framework**

16.5.1 The Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or Officers or joint arrangements discharging Executive Functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

(a) if it is not practical to convene a quorate meeting of the Full Council; and

(b) if the Chair of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

16.5.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the relevant Overview and Scrutiny Committee the consent of the Mayor and in the absence of both the Deputy Mayor of the Council will be sufficient.

16.5.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

16.6 **Virement**

Steps taken by the Cabinet, a committee of the Cabinet, individual Members of the Cabinet or Officers or joint arrangements discharging Executive Functions to implement Council policy, shall not exceed those budgets allocated to each budget head. In the event that virement across budget heads or budgets becomes necessary or desirable, it shall be carried out in accordance with the Financial Procedure Rules in Section 0 of this Constitution.

16.7 **In-Year Changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or Officers or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

16.7.1 which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

16.7.2 necessary to ensure compliance with the law, ministerial direction or government guidance;

16.7.3 in relation to the Policy Framework in respect of a plan, policy or strategy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;

16.7.4 which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; or

16.7.5 for which provision is made within the relevant budget or policy.

16.8 **Call-In of Decisions Outside the Budget or Policy Framework**

16.8.1 Where the relevant Overview and Scrutiny Committee is of the opinion that an Executive Decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

16.8.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

16.8.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the relevant Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within ten working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

(a) endorse a decision or proposal of the Executive Decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(b) amend the Council's Budget or the plan, policy or strategy concerned to encompass the decision or proposal of the body or individual responsible for that Executive Function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(c) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Budget or the plan, policy or strategy concerned to accommodate it, require the Cabinet to reconsider the matter

in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

SECTION 17

FINANCIAL PROCEDURE RULES

Introduction

What are Financial Procedure Rules?

Financial Procedures provide the framework for managing the Council's financial affairs. They are supported by more detailed specific guidance and procedure notes in a range of areas. The procedures identify the financial responsibilities of the Full Council, the Cabinet and Officers.

Why are they important?

(a) To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These procedures have been devised as a control to help the Council manage its financial matters properly in compliance with all necessary requirements.

(b) Good, sound financial management is a key element of the Council's Corporate Governance framework which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

(c) Good financial management secures value for money, controls spending, ensures due probity of transactions and allows decisions to be informed by accurate accounting information.

(d) Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.

(e) Financial Procedures should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

Who do Financial Procedures apply to?

(f) Financial Procedures apply to every Member and Officer of the Council and anyone acting on its behalf. Members and Officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with Council policies and priorities, is properly authorised, provides value for money and achieves best value.

(g) Separate financial procedures have been incorporated into the Council's Financial Scheme for Schools and relate to those matters where decisions have been delegated to school governing bodies.

(h) These Financial Procedures shall apply in relation to any partnership for which the Council is the accountable body, unless the Council expressly agrees otherwise.

(i) Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures.

Who is responsible for ensuring that they are applied?

(j) Chief Officers and Heads of Service are ultimately responsible to the Council for ensuring that Financial Procedures are applied and observed by his/her staff and contractors providing services on the Council's behalf and for reporting to the Chief Finance Officer any known or suspected breaches of the procedures.

(k) The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedures to the Council and/or to the Cabinet Members.

(l) The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers and others acting on behalf of the Council are required to follow.

(m) Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement of value for money or the principles of Best Value or the best interests of the Council, he/she shall raise the issue with the Chief Finance Officer who will, if he/she considers necessary and appropriate, seek formal approval from the Council for a specific waiver of the procedures, or an amendment to the procedures themselves.

Section A - Financial Control

1. General

1.1 For the purposes of these Rules:

(a) "the Chief Executive Officer" means the officer designated by the Council as Head of Paid Service under Section 4 of the Local Government & Housing Act 1989.

(b) "the Chief Finance Officer" means the officer designated by the Council as the officer responsible for the administration of its financial affairs under Section 151 of the Local Government Act 1972.

(c) "Chief Officer" means any of the following:
- The Chief Executive Officer;
- The Corporate Director - Social Services and Wellbeing;
- The Corporate Director - Education and Family Support;
- The Corporate Director - Communities;
- Chief Officer – Legal and Regulatory Services, Human Resources and Corporate Policy.
- Chief Officer – Finance, Performance and Change.

(d) "the Monitoring Officer" means the officer designated as such by the Council under Section 5 of the Local Government & Housing Act 1989.

(e) "the Cabinet" means the Executive established under Part II of the Local Government Act 2000.

(f) "Cabinet Member" means the Leader and any of the members of the Cabinet.

(g) "Budget Head" means the budget for a particular service/services.

(h) Words importing the singular number only shall include the plural and vice versa, words importing the masculine gender include the feminine and vice versa.

1.2 A Chief Officer may nominate any suitably qualified officer in their Directorate to undertake any of the duties placed upon him or exercise any power granted to him by these Rules.

1.3 Each Chief Officer shall consult with the Chief Finance Officer on any matter which is liable to materially affect the finances of the Council before any commitment is incurred and before reporting thereon to the Cabinet or the Council.

1.4 (a) Chief Officers shall be responsible for bringing these Financial Procedure Rules to the attention of staff and for ensuring the observance of these Rules throughout their respective Directorates;

(b) Staff who fail to observe these Rules may be subject to disciplinary action.

1.5 Each Chief Officer shall be responsible for the accountability of staff, and the security, custody and control of all other resources including plant, buildings, materials, cash and stores appertaining to their individual Directorates in accordance with the procedures agreed with the Chief Finance Officer.

1.6 Each Chief Officer shall have a duty to endeavour to maximise the value for money obtained in running the activities within their purview.

1.7 Each Chief Officer shall have a duty to consult the Chief Finance Officer if he has reason to believe that any matter within their purview may result in:

(a) The Council incurring expenditure in excess of its approved budget;

(b) The Council incurring expenditure for which it has no statutory power to incur;

(c) The Council failing to comply with the financially related provisions of any relevant European and UK legislation;

(d) The Council failing to comply with the financially related provisions of any code of practice adopted by the Council.

1.8 Whenever any matter arises which involves or is thought to involve irregularities concerning cash, stores or other property of the Council or held on trust by the Council, the Chief Officer concerned shall notify the Chief Finance Officer who shall take such steps as he considers necessary by way of investigation and report.

1.9 Each Chief Officer shall have a duty to inform the Chief Finance Officer and the Monitoring Officer if he suspects that the Council or its officers are exceeding the Council's statutory powers.

1.10 No Chief Officer may recommend to the Council or the Cabinet that expenditure be incurred or any other action taken on the assumption that sufficient statutory power is provided by either

Sections 137 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000, without prior approval of the Chief Finance Officer and the Monitoring Officer.

1.11 The Chief Finance Officer in consultation with the Monitoring Officer shall be authorised to vary from time to time any amount included in the Rules, but any alteration shall be reported to the next meeting of Council.

1.12 Separate Financial Regulations shall be issued by the Chief Finance Officer for use by the Council's schools, drawing on, and supplementing this document, as appropriate.

2. Accounting Systems

2.1 All accounting procedures and accounting records of the Council and its Officers shall be subject to the approval of the Chief Finance Officer.

2.2 All accounts and accounting records of the Council shall be compiled by, or under the direction of, the Chief Finance Officer.

2.3 The following principles shall be observed in the allocation of accounting duties:

(a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
(b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

2.4 A Chief Officer shall be responsible for the financial management and audit of any private fund entrusted to him as part of their duties and will apply regulations to such funds as stipulated by the Chief Finance Officer.

2.5 Notwithstanding the duties of a Chief Officer in Rule 2.4, the Chief Finance Officer shall have the right to audit any private fund at any time.

2.6 For the purposes of these Rules "private fund" shall mean any fund in the management of which a Chief Officer of the Council is concerned and which may affect any person or property for which the Council has a responsibility, notwithstanding that contributions towards such fund shall have been made by another party other than the Council.

3. Budgeting and budgetary control

3.1 Council's Budget

3.1.1 The Budget shall be approved by the Council in accordance with the Budget and Policy Framework Procedure Rules (Section 16);

3.1.2 In referring the Cabinet's Budget Proposals to Council the proper officer will forward to the Council a report of the Chief Finance Officer incorporating the recommendations of the Cabinet and detailing for approval of the Council:

(a) a probable out-turn for the current year;

(b) a revenue budget for the forthcoming year detailing the Budget Heads over which that budget is allocated to specific services and service programme areas;

(c) a forward indication of the medium term financial strategy which will comprise the revenue budget for the first year and indicative budgets for the subsequent three years and a capital budget for the forthcoming year incorporating a capital programme of at least three years, but no more than ten years;

(d) an assessment of any major financial risks which may impact on the budget;

(e) an analysis of reserves and balances and movements over the forthcoming financial year;

(f) the proposed increase in fees and charges for the forthcoming year;

(g) a recommendation of the level of Council Tax to be levied for the forthcoming year.

3.1.3 The detailed form of the Budget will be determined by the Chief Finance Officer within the general direction of the Council and Cabinet after consultation with Chief Officers.

3.2 **Amendments to the agreed budget (virements and technical adjustments)**

3.2.1. Each Chief Officer shall have the authority to incur expenditure on any activity under their control up to the amounts specified in respect of that activity in the revenue or capital budgets approved by the Council for the financial year, unless directed otherwise by the Chief Finance Officer.

3.2.2 Each Chief Officer, subject to the agreement of the Chief Finance Officer, may approve virements between specific revenue Budget Heads which do not amend any individual Budget Head by more than £100,000 from that approved by the Council. The relevant Chief Officer and Chief Finance Officer must jointly report to Cabinet on any virements which amend individual Budget Heads by more than £100,000.

3.2.3 Cabinet may, following a report of the appropriate Chief Officer in consultation with the Chief Finance Officer, approve virements between individual revenue Budget Heads which do not amend any individual budget head by more than £500,000 from that approved by the Council.

3.2.4 All approved virements over £100,000 must be reported to the Council for information as soon as reasonably practicable after their approval.

3.2.5 Any variations to the capital programme, other than those permitted under paragraphs 3.4.7 and 3.4.9, shall require the approval of the Council following a report of the Chief Finance Officer after taking into consideration the recommendations of the Cabinet.

3.2.6 All proposals for revenue and capital budget virements that exceed the above limits will need to be approved by the Council on receipt of a report of the appropriate Chief Officer in consultation with the Chief Finance Officer following consideration by the Cabinet. Virement proposals must also be approved by the Council if they:

a) imply a change in a plan, policy or strategy which would be contrary to the existing policy framework;

b) have a major operational impact on existing service provision;

c) are contrary to or not wholly in accordance with the Budget;

d) imply any additional revenue commitment in future years.

3.2.7 There are also technical adjustments to budgets as a result of the Council adhering to the Code of Practice on Local Authority Accounting. These could include, but are not limited to, the reallocation of budgets and spend for central support services to other areas within the Council or the allocation of capital charges across the Council. These are not subject to the authorisation limits of budget virements and the Chief Finance Officer or nominated representative can authorise these.

3.3 Budgetary control

3.3.1 The Chief Finance Officer shall provide each Chief Officer with regular information relating to income and expenditure under each approved budget head and any other relevant information available. Each Chief Officer shall be responsible for ensuring control of expenditure and income against the approved budget (attention is drawn to Rule 6.1).

3.3.2 A Chief Officer in consultation with the Cabinet Member responsible for the function in respect of which the service is provided will be expected to manage their services within the approved cash limited budget and to provide the Chief Finance Officer with such information as is required to facilitate and monitor budgetary control. A Chief Officer or Cabinet Member may not incur expenditure or forego income if this will result in the approved budget being exceeded.

3.3.3 A Chief Officer may delegate responsibility for management of budgets within their control to other senior officers within their Directorate. Such delegation shall be within defined parameters and shall be recorded in writing as determined by the Chief Finance Officer.

3.3.4 At year end, consideration will be given to the overall financial position of the Council including the final outturn, any accrued Council Tax income, the Council's reserve levels and any new pressures or risks that need to be provided for. At that time, in line with the Council's Reserves and Balances Protocol, a Chief Officer will be invited to submit earmarked reserve requests to meet any specific unfunded one-off expenditure that they expect to arise in the following financial year and these will be considered by the Chief Finance Officer in the context of the Directorate outturn position as well as that of the Council as a whole. Chief Officers will be notified of successful earmarked reserves.

3.3.5 Any over-spending against budget may be carried forward at the discretion of the Chief Finance Officer, either against the specific directorate or Council wide budgets. In no circumstances should this provision be seen as giving a Chief Officer power to overspend against approved budgets. Any such overspend will be treated as a breach of the Financial Procedure Rules and the respective Chief Officer held accountable. No Chief Officer or Cabinet Member may budget for a deficit. Where a net overspending occurs this will be a first call on the following year's budget, unless the Chief Finance Officer gives approval to meet this from usable reserves.

3.3.6 Urgent expenditure not included in any budget approval may only be incurred with the approval of the Chief Finance Officer.

3.3.7 The cash limited budget for a Chief Officer only relates to the “controllable” elements of their budget and excludes, amongst other things:

- Central capital charges
- Central support service charges
- Centrally controlled office accommodation budgets
- Joint Committee precepts and levies

3.4 Capital programme

3.4.1 As part of the budget process the Chief Finance Officer or appropriate Cabinet Member will annually present to the Council a capital programme which shall include:

(a) those capital expenditure items proposed to commence during the next three years as a minimum;

(b) an estimate of the capital costs of those schemes together with the associated proposed funding.

3.4.2 Schemes for which external funding has been approved will be added to the capital programme once the funding has been accepted and included in the next capital programme report to Council.

3.4.3 A Chief Officer, before submitting a scheme for inclusion in the capital programme, shall satisfy himself that the scheme is in line with the Council’s Capital Strategy, and that:

(a) land purchases, design planning consents and relevant studies are sufficiently advanced to ensure that the proposed year of start of a scheme is feasible;

(b) the level of expenditure envisaged is realistic, following a full feasibility assessment, and taking into account the Chief Finance Officer’s forecast of capital resources available and the ability of each service directorate to meet the consequential costs resulting from prudential borrowing, if applicable, and any on-going maintenance costs;

(c) each scheme in the programme has been fully appraised to ensure it is the most economic method of satisfying an identified need.

3.4.4 The Capital Programme upon approval by the Council shall:

(a) confer authorisation upon the Chief Officer concerned to take steps to enable design work to be completed and land to be acquired in due time;

(b) form the basis of the annual capital estimates.

3.4.5 The inclusion of any item in the approved capital estimates shall not confer authority to incur any expenditure (except on design work and land acquisition) until:

(a) all necessary statutory approvals have been obtained;
(b) any external funding contribution to the project has been secured; and

(c) a tender or quotation has been received and accepted in accordance with the Contract Procedure Rules, which does not exceed that part of the total cost included in the capital estimate in respect of the main contract work for the project by more than 10% or £100,000, whichever is lower.

3.4.6 If the tender or quotation exceeds the criteria in 3.4.5(c) above, its acceptance will be subject to the approval of the Chief Finance Officer, in consultation with the Cabinet Member(s) responsible for the function in respect of which the decision is required, to a diversion of money from other approved schemes within the appropriate Chief Officer's control sufficient to meet any additional cost to be borne within the first year.

3.4.7 Chief Officers shall monitor both the progress of schemes and the totality of capital expenditure with the aim of avoiding under or overspending against the approved capital estimates. Should such a situation appear likely a Chief Officer in conjunction with the Chief Finance Officer shall recommend to the Council the remedial action necessary to accelerate or retard existing schemes within the approved capital programme.

3.4.8 Remedial action which necessitates the retardation or deletion of a scheme within the first year of the programme shall be subject to the prior approval of the Council based on a joint report of the Chief Finance Officer and Chief Officer.

3.4.9 The Chief Finance Officer shall give Chief Officers information relating to actual payments made for each scheme in such detail and at such time as arranged between them in order that they may carry out their responsibilities under paragraph 3.4.7.

3.4.10 The capital programme includes an annual allocation for capital minor works. Allocation of this funding to individual schemes is the responsibility of the Corporate Landlord Group (or its successor) and approval on individual schemes will not be sought from Council insofar as the overall funding allocated to schemes does not exceed the funding agreed by Council in the capital programme for that financial year.

3.4.11 Any additional capital expenditure from within the capital programme for new or existing schemes which, for reasons of urgency, cannot await the next meeting of Council, may only be incurred with the approval of the Chief Executive Officer in consultation with the Chief Finance Officer, subject to a maximum value of £100,000, under the Scheme of Delegation of Functions, Scheme B1 paragraph 2.2.

3.4.12 Urgent expenditure not included in any budget approval, which needs to be agreed prior to the next meeting of Council, may only be incurred with the approval of the Chief Finance Officer. Any such decision requires approval by either the Chief Executive Officer or Solicitor to the Council under the Scheme of Delegation of Functions, Scheme B1 paragraph 2.1.

3.5 Capital Strategy

3.5.1 The Chief Finance Officer will be responsible for preparing a Capital Strategy for submission to Council for approval prior to the start of each financial year. The Strategy must demonstrate that capital expenditure and investment decisions are in line with service objectives and properly take account of stewardship, value for money, prudence, sustainability and affordability.

3.5.2 The Capital Strategy will need to comply with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA)’s Prudential Code for Capital Finance in Local

Authorities. It will incorporate the Prudential Indicators that will need to be approved by Council.

3.5.3 The Chief Finance Officer shall report quarterly to Cabinet and Council with an update on the Capital Strategy and the Prudential Indicators.

4. Internal audit

4.1 The Chief Finance Officer shall have a duty to maintain an effective internal audit of the Council's operations in order to review, evaluate and test the adequacy of the Council's systems of internal control as contributions to the proper, economic, efficient and effective use of resources.

4.2 The Chief Finance Officer shall have the responsibility to review, appraise and report to Council, the Governance and Audit Committee, Cabinet, Cabinet Member, or Chief Officer as appropriate upon:

4.2.1 The soundness, adequacy and application of financial and other related operations of the Council.

4.2.2 The extent of compliance with, and financial effect of, established policies, plans and procedures.

4.2.3 The extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:

(a) fraud and other offences;

(b) waste, extravagance, poor value for money or other cause.

4.2.4 The suitability and reliability of financial and other related management data developed within the Council.

4.3 The Chief Finance Officer or an authorised representative of the Chief Finance Officer shall have the authority to require any officer to:

4.3.1 Provide access to any Council premises or land under their control. Where sites are in the possession of a contractor or subject to any tenancy or licence to occupy, such entry will be governed by the conditions of the contract or other legal agreement.

4.3.2 Produce any records, documents and correspondence in their possession.

4.3.3 Provide explanations of matters arising from an audit.

4.3.4 Produce and account for any cash, stores or other Council property under their control.

4.4 The Chief Finance Officer shall have the authority to request the immediate suspension from duty of any officers who:

(a) they have reasonable grounds to suspect of misappropriation of Council funds or other property;

(b) they believe present a threat of further misappropriation or hindering of any investigation.

4.5 Notwithstanding the duty of the Chief Finance Officer for the control and direction of Internal Audit, it shall be the duty of the Chief Internal Auditor to report direct to the Chief Executive Officer and to the Cabinet Member for Resources on any matter in which the Chief Finance Officer appears to be personally involved.

5. Contracts of building, construction or engineering work

5.1 Contracts for the execution of capital works shall only be entered into for those schemes which are included in the approved Capital Programme.

5.2 Each Chief Officer will maintain contract registers showing for each contract under their control which has a value greater than £50,000:

(a) the contract sum;

(b) the value of any extras or variations to the contract;

(c) the amounts and dates of any instalments made;

(d) the amount of any retentions held or bonds taken under any contract;

(e) the balance outstanding to the Contractor.

5.3 Payments to contractors on account of contracts shall be made only on a certificate issued by the responsible officer.

5.4 When authorising any extra or variation to a contract the appropriate Chief Officer shall:

(a) estimate the cost of the variation;

(b) issue written instructions to the Contractor to carry out the work, except in cases of urgency where a Chief Officer may issue verbal instructions but shall confirm them in writing as soon as possible, but in any case within 7 days; and

(c) ensure that such variation is in accordance with the Council's Contract Procedure Rules.

5.5 The Chief Finance Officer may, at their discretion, decide to audit the final account of a contract, before certifying the final payment.

5.6 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Solicitor to the Council for consideration of the Council's legal liability and, where necessary, to the Chief Finance Officer for financial consideration before a settlement is reached.

5.7 Each Chief Officer shall as soon as practical report to Cabinet the total of extras or variations to any contract which exceeds 10% of the original contract sum, or £100,000 whichever is the greater.

5.8 If the final account of any contract has not been agreed within eighteen months of the completion of works, then the Chief Officer controlling that contract shall report to the Cabinet on the outstanding items. Any report under this regulation shall include a comparison of the final or likely cost with the original contract sum together with reasons for any differences.

6. Orders for work, goods and services

6.1 Each Chief Officer has a duty to issue official orders for all works and services to be carried out, and all goods supplied, within their Directorate with the exception of:

(a) public utilities;

(b) periodical payments;

(c) petty cash purchases;

(d) purchases made using Purchasing Cards;

(e) works, goods and services subject to formal written contracts, or excepted from this requirement by the Chief Finance Officer.

(f) Framework contracts.

Before issuing official orders, Officers authorising them must be satisfied that there is provision in the estimates and that the Contract Procedure Rules have been complied with.

6.2 Each official order shall be in a form prescribed and approved by the Chief Finance Officer and shall include:

(a) a description of the works, goods and services ordered;

(b) the name and address of the supplier;

(c) an estimate of the cost;

(d) the financial code to which the cost is to be charged;

(e) name of the authorising officer.

6.3 Verbal orders may only be placed in exceptional circumstances the details of which must be confirmed by e-mail or other appropriate means on the same day and confirmed by written official order within 3 working days.

6.4 Electronic orders will be treated in the same way as other official orders. Changes to on-line authorising officers shall be notified to the Chief Finance Officer immediately.

7. Leasing

7.1 The Chief Finance Officer shall be responsible for making leasing arrangements for the use of buildings, plant, vehicles and equipment. No officer other than the Chief Finance Officer may enter into any type of leasing arrangements unless agreed in writing or delegated by the Chief Finance Officer.

7.2 Due to complex capital accounting requirements regarding expenditure in relation to leases, all leases, hire, rental, hire purchase agreements, deferred purchase agreements and other

arrangements where the use of an asset is being acquired without the ownership of it must be referred to the Chief Finance Officer.

7.3 Provision within revenue estimates to cover the annual costs of leasing should be made only following consultation with the Chief Finance Officer.

8. Grant Funding and Third Party Funding

8.1 It is essential that proper management of external funding or grants received, or funding awarded by the Council, is undertaken in order to safeguard the financial position of the Council and also to maximise the benefits to service delivery from the receipt of these additional funds.

8.2 The Council has a Grants Management Policy which all Chief Officers and their staff must adhere to in order to ensure the proper management of grant funding and other internal and external funds. Failure to comply could result in funding being withheld by the funding body or recovered at a later date. Any failure to comply with the Grants Management Policy, which results in funding being reduced to the Council, may be reported to Governance and Audit Committee, and any shortfall in the funding borne by the responsible directorate.

Section B - Expenditure and Income

9. Payment of accounts

9.1 Excluding payments in the form of petty cash from imprest accounts, the preferred method of payment of money due from the Council shall be by automated transfers from the Council's bank accounts overseen by the Chief Finance Officer.

9.2 The Chief Finance Officer shall be the authorised signatory of any joint bank account opened in the name of the Council and any other party and will be responsible for the payment of any cheques from that joint bank account.

9.3 Each Chief Officer is responsible for examining, verifying and authorising invoices and any other payment vouchers or accounts arising from sources in their Directorate including the use of purchasing cards. Authorised officers can discharge this responsibility on behalf of the Chief Officer. Each Chief Officer will supply the names and specimen signatures for authorised officers together with authorisation limits to the Chief Finance Officer and will need to confirm the list on an annual basis.

9.4 The Chief Finance Officer, in consultation with a Cabinet Member, can give approval for payment in advance of goods or services in exceptional circumstances and on request from a Chief Officer.

9.5 Before authorising an account, the authorising officer shall be satisfied that:

(a) the work, goods or services to which the account relates have been received, carried out, examined and approved;

(b) the invoice satisfies VAT regulations and that prices, extensions, calculations, trade discounts, other allowances and credits are correct;

(c) the relevant expenditure has been properly incurred and is within the relevant estimate provision;

(d) the financial code to which the expenditure is to be charged is correct and sufficient budget is available;

(e) the account or invoice indicates the official order number relating to the goods or services provided, or if there is no such order the reason for the omission unless it relates to services not subject to orders such as care contracts;

(f) appropriate entries have been made in inventories, stores records or stock books as required;

(g) the account has not been previously passed for payment and is a proper liability of the Council;

(h) in the case of accounts for the supply of public utility services and other periodic payments, relevant expenditure, and where appropriate, units of energy consumed, have been entered in records approved by the Chief Finance Officer.

9.6 Accounts authorised manually should be passed for payment to the Chief Finance Officer, unless alternative arrangements have been specifically agreed with the Chief Finance Officer. All payments should be processed within 30 days.

9.7 Where payments are electronically uploaded into the financial system via a feeder file, appropriate controls, including standardising of files and validity checks, are put in place to ensure their integrity. For any new feeder files, Internal Audit will be asked to review and give assurance on the process for authorisation before use.

9.8 For the Council to reclaim VAT on individual payments, the Council is required under VAT Regulations to obtain the supplier's VAT registration number and invoice to be addressed to Bridgend County Borough Council.

9.9 The Chief Finance Officer shall set down procedures for the retention of financial documentation. Such documentation must not be disposed of without the specific approval of the Chief Finance Officer. All invoices shall be retained for at least 6 years plus the current financial year. In the case of invoices relating to grant claims, these must be kept until after the grant claim has been audited even if this exceeds 6 years. It is the responsibility of the Chief Officer of the grant to ensure the correct retention period is maintained. The same retention periods apply to electronic copies of all original invoices.

9.10 Changes to on-line authorising officers shall be notified to the Chief Finance Officer immediately.

9.11 Each Chief Officer shall, no later than a date specified at the financial year end, notify the Chief Finance Officer of any outstanding expenditure relating to the previous financial year to be accrued in the Statement of Accounts.

10. Imprest accounts

10.1 Where appropriate, the Chief Finance Officer shall provide imprest accounts for such officers of the Council as may need them for the purpose of defraying petty cash and other expenses. Such accounts shall be maintained in accordance with the notes of guidance issued to imprest holders by the Chief Finance Officer.

10.2 Where appropriate, the Chief Finance Officer shall open an account with the Council's bankers for use by the imprest holder, who shall not deliberately cause the account to be overdrawn. Any prolonged overdrawn balance on an imprest holder's bank account shall be reported to

the Chief Finance Officer. Where an officer holds a cheque book in respect of any account he must ensure that it is securely stored and all cancelled cheques are crossed and retained with the counterfoils of the original cheque book.

10.3 Any officer responsible for an imprest account shall be personally responsible for making good any deficiencies in that account.

10.4 No income received on behalf of the Council may be paid into an imprest account but must be dealt with in accordance with paragraph 15.3.

10.5 Except as otherwise agreed between the Chief Finance Officer and the Chief Officer concerned, payments out of the accounts shall be limited to petty disbursements and shall not include sums due to any tradesman with whom the Council has an account for the supply of goods and services, nor any account for goods exceeding in value a sum to be agreed from time to time by the Chief Finance Officer nor travelling expenses other than those of a casual nature.

10.6 An officer responsible for an imprest shall on a regular basis as specified by the Chief Finance Officer, or at any other time if so requested, provide a certified statement as to the state of the account.

10.7 Whenever an officer who is an imprest holder leaves the employment of the Council, or ceases to be entitled to hold an imprest advance, the officer shall account to the Chief Finance Officer for the amount advanced to him.

11. Purchasing Cards

11.1 Where appropriate, a purchasing card will be issued to support the current Purchase to Pay invoice process and should not be considered as a replacement mechanism to bypass the formal requisition and approval process. Expenditure shall be made in accordance with the purchasing card guidelines.

11.2 Each card has an individual monthly expenditure limit, individual transaction limit and restricted category types for expenditure. The cardholder will be making financial commitments on behalf of the Council and will be responsible for obtaining value for money in accordance with Contract Procedure Rules and Corporate Contracts.

11.3 Except, as otherwise agreed with the Chief Finance Officer, payments by purchasing card shall be limited to approved disbursements and shall not include sums due to any tradesman with whom the Council has an account. Where appropriate, invoices should be paid via the Financial System. Travelling expenses, such as train fares, can be pre-booked and paid with the purchasing card, however, the purchasing card cannot be used to reimburse travelling expenses nor subsistence expenses other than those of a casual nature.

11.4 The cardholder is responsible for updating the Barclaycard Spend Management system with costing, VAT and narrative details of the expenditure in a timely manner and in accordance with the purchasing card guidelines.

11.5 Whenever a member of staff who is a purchasing card holder leaves the employment of the Council, or ceases to be entitled to hold a purchasing card, the member of staff must return the purchasing card immediately on cessation of entitlement to the Corporate Procurement Manager for cancellation. Any replacement member of staff who requires a purchasing card must apply for a new card via the Corporate Procurement Manager.

11.6 Any person holding a purchasing card shall be personally responsible to notify the Corporate Procurement Manager of any unauthorised / unrecognised spend made on the card. The cardholder shall be personally responsible for making good any unauthorised spend that they incur on the card.

11.7 Where appropriate, the Chief Finance Officer shall provide a purchasing card enabled for cash withdrawal to give services access to cash for the purpose of defraying petty expenditure. Such cards shall be maintained in accordance with the notes of guidance to card holders issued by the Corporate Procurement Manager. There is an administration charge for cash withdrawals. Detailed records of monies withdrawn, spending of this money, including VAT amount and costing information, must be kept and be available for examination on request.

11.8 Except as otherwise agreed with the Chief Finance Officer, payments out of the cash withdrawn from the bank by purchasing card shall be limited to petty disbursements and shall not include sums due to any tradesman with whom the authority has an account, nor travelling expenses, nor subsistence expenses other than those of a casual nature.

11.9 A person responsible for the cash balance held shall, if so requested, give to the Chief Finance Officer certification as to the state of the funds.

11.10 Whenever a member of staff who is a cash balance administrator leaves the employment of the authority, or ceases to be entitled to administer the cash balance, the member of staff shall repay to the Chief Finance Officer the unexpended cash balance of the withdrawn amount, or shall transfer monies, records and vouchers relating to the account to the new cash administrator. When a purchasing card holder leaves, the card in their name must be returned to the Corporate Procurement Manager for cancellation and a new card applied for via the Corporate Procurement Manager unless the new cash administrator is not to be allocated a purchasing card.

11.11 Any person holding a cash balance obtained by a purchasing card cash withdrawal shall be personally responsible for making good any deficiencies in that account.

12. Construction Industry Scheme (CIS) – Tax Deduction

12.1 For certain types of construction work, the Council is obliged by HMRC's Construction Industry Scheme to deduct tax at source from sub-contractor payments, at the appropriate rate, from the invoiced amount. Those CIS sub-contractors paid under deduction must have the labour/material split shown on the invoice and entered into the Financial System. Further guidance can be obtained from the Purchase Ledger Team in Finance.

13. Salaries, wages and Members' allowances

13.1 The payment of all salaries, wages, allowances, expenses or other emoluments to all employees or members shall be made by, or under arrangements approved and controlled by, the Chief Finance Officer.

13.2 Each Chief Officer shall notify the Chief Finance Officer as soon as possible and in the prescribed form, of all matters affecting the payment of such emoluments and in particular:

(a) appointments, resignations, dismissals, suspensions, secondments, and transfers;

(b) absences from duty for sickness or other reason, apart from approved leave with pay;

(c) changes in remuneration, other than normal increments and pay awards;

(d) information necessary to maintain records of service for superannuation, income tax, national insurance etc.;

(e) any failure to comply with Council or statutory regulations.

13.3 Appointments of all employees shall be made in accordance with the regulations of the Council and the approved establishment, gradings and rates of pay.

13.4 All time records and other pay documents shall be in a form prescribed or approved by the Chief Finance Officer and shall be certified by or on behalf of the Chief Officer. The names of the officers authorised to certify such records shall be sent to the Chief Finance Officer by each Chief Officer together with specimen signatures and shall be amended on the occasion of any change. Changes to on-line authorising officers shall be notified to the Chief Finance Officer immediately.

13.5 No payments to staff may be made other than through the normal payroll system without the specific approval of the Chief Finance Officer. In particular, casual staff must be recorded on the payroll.

13.6 Where an Officer is hiring or engaging a staff member who is not on the Council payroll there is a legal requirement to determine whether it is the responsibility of the Council to deduct tax and national insurance at source, in accordance with the requirements of the Social Security Contributions (Intermediaries) Regulations 2000, as amended (IR35).

14. Officers fees, travelling and subsistence allowances

14.1 All claims for payment of fees, car allowances, subsistence allowances and travelling expenses shall be submitted, duly certified, in a format approved by the Chief Finance Officer, to the appropriate Chief Officer in accordance with the timetable set down by the Chief Finance Officer. A record of all officers authorised to approve such records shall be sent to the Chief Finance Officer together with specimen signatures and shall be amended on the occasion of any change. This applies to both manual and electronic expenses systems.

14.2 The certification by, or on behalf of, the Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, the vehicle used had appropriate insurance cover, the necessary receipts of expenditure retained and that the fees and allowances are properly payable by the Council.

14.3 Claims submitted more than three months after the expenses were incurred must be accompanied by a letter of explanation for the delay and shall be paid only with the express approval of the Chief Finance Officer who shall refer the matter to Cabinet if necessary.

14.4 All claims for payment of incidental expenses such as removal, lodging and disturbance allowances and training course fees etc. shall be made on the appropriate form and shall be in accordance with the appropriate scheme approved by the Council.

15. Banking arrangements and cheques

15.1 All arrangements with the Council's bankers shall be made by or under arrangements approved by the Chief Finance Officer, who shall be authorised to operate such bank accounts as considered necessary.

15.2 All cheques shall be ordered only on the authority of the Chief Finance Officer who shall make proper arrangements for their safe custody, including cheque books issued automatically by the bank.

15.3 Any such bank account opened in respect of monies held on behalf of the Council shall be arranged in consultation with or under the direction of the Chief Finance Officer. The Chief Finance Officer shall maintain a list of authorised signatories, along with specimen signatures, for all such accounts. Any change in signatory shall be reported to the Chief Finance Officer immediately.

15.4 No Standing Orders or Direct Debits from the Council's bank accounts shall be set up unless arranged in consultation with or under the direction of the Chief Finance Officer. The Chief Finance Officer shall maintain a list of all officers authorised to set up Direct Debits and Standing Orders.

15.5 The Chief Finance Officer shall be authorised to:

(a) nominate officers empowered to authorise payment out of these bank accounts;
(b) negotiate charges with the Council's bankers.

15.6 The Chief Finance Officer will be responsible for ensuring that there are adequate controls in place to ensure that all payment methods, whether physical or electronic, have appropriate authorisations, approvals and signatures as necessary.

15.7 The Chief Finance Officer shall ensure that appropriate arrangements are in place to facilitate the monthly reconciliation of the Council's Bank Accounts.

16. Income

16.1 Each Chief Officer will be responsible for the prompt and accurate billing, collection and banking of all income due to the Council in connection with the Directorate's activities, except where in the interests of efficiency or security it is agreed with the Chief Finance Officer that all or part of the duties should be discharged by some other Chief Officer.

16.2 Except as agreed between the Chief Finance Officer and the Chief Officer concerned, all receipt books and other such items shall be ordered and supplied to Directorates by the Chief Finance Officer, who shall be satisfied as to the arrangements for their control.

16.3 In carrying out this function, each Chief Officer shall ensure that any officer of the staff engaged in the collection of money:

(a) maintains a record of receipts and bankings in a form approved by the Chief Finance Officer;

(b) pays without delay any money collected either:

i) to the approved officer;
ii) to a security firm employed by the Chief Finance Officer for this purpose; or
iii) to one of the Council's main bank accounts or via outlets of the nominated collector(s) as agreed by the Council.

(c) makes no deduction from monies collected, except with the specific and exceptional approval of the Chief Finance Officer;

(d) ensures income is correctly coded onto the financial system nominated by the Chief Finance Officer and satisfies VAT regulations;

(e) makes good any shortfalls in cash collected and identifies any surpluses;

(f) in the case of cheques received, enters on any paying-in slips details with the cheque or provides supporting evidence and a reference to the related debt.

16.4 Personal cheques shall not be cashed out of the money held on behalf of the Council.

16.5 Outstanding debts which are found to be irrecoverable may be written off by the Chief Finance Officer, except where it is considered that there are matters of principle or policy which should be referred to the Cabinet.

16.6 Any officer holding a cash float shall be personally responsible for making good any deficiencies in that account.

16.7 Where an officer takes cash for works, goods or services that is either:

i. in excess of the level stipulated within the Council's Anti-Money Laundering Policy; or
ii. where there is anything suspicious regarding, but not limited to, multiple use of high denomination notes, multiple and frequent disaggregation of payment of a higher value outstanding debt;

then the officer must report it immediately to the Money Laundering Reporting Officer (MLRO) in accordance with the Policy.

17. Fees and Charges

17.1 The Council has a Fees and Charging Policy to support the Medium Term Financial Strategy. It is intended to provide a consistent and co-ordinated approach to charging across the Council, setting out the key principles for charging and for reviewing charges and must be adhered to by all Chief Officers and their staff.

17.2 When setting charges, there is recognition that where possible, the full cost of the service should be recovered. However, there is also a recognition that in some instances, there will be a conscious decision not to fully charge or a statutory charge or limit set, and the remaining cost will be met by the Council Tax payer.

17.3 In line with the Medium Term Financial Strategy, a review of fees and charges should be undertaken at least annually and any new or increased charges must receive approval from Cabinet or delegated authority under the Scheme of Delegation, Scheme A paragraph 1.6. Where a proposal is made not to increase charges in a financial year, approval must be sought from the appropriate Chief Officer and Chief Finance Officer.

18. Value Added Tax

18.1 The Chief Finance Officer shall establish appropriate systems of control for the proper accounting of Value Added Tax (VAT) inputs and outputs. The Chief Finance Officer will produce and distribute a VAT guidance document to all Directorates and schools to enable officers to comply with HMRC VAT regulations.

Section C - Security and Assets

19. Security

19.1 The Chief Finance Officer shall have overall responsibility to the Council for security of Council property.

19.2 Each Chief Officer shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, title deeds, securities, etc. under their custody.

19.3 Maximum limits for cash holdings shall be agreed with the Chief Finance Officer.

19.4 Every transfer of official money from one member of staff to another will be evidenced in the records of the Directorate concerned by the signature of the receiving officer.

19.5 Keys to safes and similar receptacles for the safeguarding of money or other valuables are to be carried on the person of those responsible; the loss of any such keys must be reported to the Chief Finance Officer.

20. Data Protection

20.1 The Council's Data Protection Officer shall be responsible for undertaking the tasks set out in Section 71 of the Data Protection Act 2018 and Article 39 of the UK GDPR.

20.2 Each officer shall be responsible for maintaining proper security, privacy and compliance with the Data Protection Act 2018 and UK GDPR in respect of information held.

20.3 Each Chief Officer shall have a duty to notify the Data Protection Officer of any computer system in their Directorate which holds personal data .

20.4 Each Chief Officer shall have a duty to ensure the safekeeping and prevention of improper use of any information held in the Directorate, regardless of the media on which it is held.

20.5 The Chief Finance Officer, or an authorised representative of the Chief Finance Officer, shall have access to all computer systems and records and may require and receive such explanations as are necessary, for the purposes of the Data Protection Act 2018 and UK GDPR.

20.6 The security of financial systems, e.g. use of passwords, shall be maintained by adhering to instructions issued by the Chief Finance Officer and in line with the ICT Code of Conduct.

21. Stocks and stores

21.1 Each Chief Officer shall be responsible for the custody of the stocks and stores in the Directorate and shall have a duty to:

(a) ensure that stocks are adequate but not excessive for the purpose envisaged;

(b) maintain accurate and up to date records of such stocks and stores and ensure that a stocktake is undertaken at year end and the certificate is submitted to Finance;

(c) provide the Chief Finance Officer with such information as he requires in relation to stores for accounting, costing and financial records.

21.2 A Chief Officer shall arrange for periodical test examinations of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year. Any

surpluses or deficiencies revealed by such periodical test examinations shall be reported to the Chief Finance Officer and, after consultation with the Chief Officer, the Chief Finance Officer will decide what action to take.

21.3 Losses due to theft of stocks shall be reported to the Chief Finance Officer as soon as possible and, where found to be irrecoverable, shall be written off.

21.4 In all other instances write offs need the consent of the Chief Finance Officer following the submission of a report by the Chief Officer outlining the reasons for write off.

22. Investments, borrowings and trust funds

22.1 The Council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA)'s Code of Practice on Treasury Management in the Public Services.

22.2 The Chief Finance Officer will be responsible for preparing and presenting an annual Treasury Management Strategy to the Governance and Audit Committee prior to submission to Council for approval in advance of the start of each financial year. The Strategy must include a Borrowing Strategy, Investment Strategy and set the Council's Treasury Management Indicators for the forthcoming financial year.

22.3 All investment and borrowing transactions shall be undertaken in accordance with the Treasury Management Strategy with due regard to the requirements of CIPFA's Code of Practice on Treasury Management in the Public Services.

22.4 All investments of money under its control shall be made in the name of the Council. Any borrowing activity must have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities and the Code of Practice on Treasury Management in the Public Services.

22.5 The Chief Finance Officer shall report quarterly to the Cabinet, summarising borrowing and investment activity and indicating compliance with any statutory or Council approved guidelines together with a half yearly and an annual report to Council.

22.6 The Chief Finance Officer, or an agent nominated by the Chief Finance Officer, will be the Council's Registrar of loan instruments and shall maintain records of all borrowing of money by the Council.

22.7 The Chief Finance Officer will have a duty to ensure a proper, efficient and effective mix of borrowing and investments.

22.8 The Governance and Audit Committee is responsible for ensuring effective scrutiny of the Treasury Management policies and practices. The Committee will review the Annual Report on Treasury Management as well as the Treasury Management Strategy. The Committee will make any recommendations for improvements on treasury management to the Chief Finance Officer and raise any concerns that the Council is exceeding its legal powers with the Monitoring Officer.

23. Inventories

23.1 Each Chief Officer shall be responsible for the plant, vehicles, machinery, equipment, tools, furniture and other non-consumable property in the Directorate and shall have a duty to:

(a) maintain an up to date inventory of such goods;

(b) carry out an annual physical check on goods listed in the inventory;

(c) as far as is practicable see that such goods are marked as Council property;

(d) ensure that such goods are not removed or used except in accordance with the ordinary course of the Council's business.

23.2 Every transfer of items contained in the inventory from one establishment to another shall be evidenced in the records of the establishment concerned by the signature of the receiving officer.

24. Insurances

24.1 The Chief Finance Officer shall have a duty to:

(a) affect adequate insurance cover in accordance with the Council's Insurance Strategy contained in the Risk Management Policy. He will arrange insurance for losses which would have a significant impact on budgets and the provision of services, where it must be bought by law and where the insurance provides additional benefits which enable an activity to take place;

(b) promptly claim any insurance loss the Council has suffered and liaise with the Council's Insurers to settle any claim brought by another party, if it is assessed that the Council has a legal liability to do so;

(c) ensure that sums insured and limits of indemnity are regularly reviewed;

(d) maintain comprehensive records of insurance including policy documents and understand what coverage they provide;

(e) employ the services of a professional insurance broking company who can provide expert advice;

(f) only transfer risks to Insurance Companies which are financially strong;

(g) comply with the "duty of fair presentation" contained in the Insurance Act 2015. The Council must disclose to its Insurers all information, facts and circumstances which are, or ought to be, known to it, which are material to the risk. A material circumstance is one which would influence the judgement of a prudent Underwriter in considering whether to provide insurance and, if so, on what basis and cost.

24.2 A Chief Officer will have a duty to:

(a) promptly notify the Chief Finance Officer of any new risks, insurable assets or liabilities which are required to be insured under the Insurance Strategy.;

(b) promptly notify the Chief Finance Officer in writing of any loss, liability, damage or any event likely to lead to a claim and where appropriate inform the Police;

(c) promptly provide any information required by the Chief Finance Officer or the Council's Insurers to progress a claim;

(d) assist the Chief Finance Officer to comply with the "duty of fair presentation contained in the Insurance Act 2015 by disclosing all relevant information.

24.3 The Chief Finance Officer shall review of all insurances at least annually, in consultation with other Chief Officers as appropriate.

24.4 No indemnity shall be given in the name of the Council without the prior approval of the Chief Finance Officer.

25. Prevention of Theft, Fraud and Corruption

25.1 The Chief Finance Officer is responsible for advising on effective systems of internal control to prevent fraud and corruption.

25.2 The Chief Finance Officer is responsible for developing, maintaining and implementing an Anti-Fraud and Bribery Policy. If a Chief Officer suspects any irregularities concerning cash, stores or other property of the Council or held on trust by the Council, they will notify the Chief Finance Officer who will take such steps as considered necessary by way of investigation and report.

25.3 The Chief Finance Officer is responsible for developing, maintaining and implementing an Anti-Money Laundering Policy. The key message of this Policy is to make staff aware of their responsibilities and if they suspect that money laundering activity may be taking place or proposed, they must disclose those suspicions to the Council's Money Laundering Reporting Officer who is the Chief Finance Officer.

25.4 The Council employs a corporate Senior Fraud Investigator, so should any fraud or irregularity be identified, whilst it would still be reported to the 'Chief Finance Officer' initially, certain matters may be referred to the Senior Fraud Investigator for investigation where appropriate.

25.5 The Chief Finance Officer is also responsible for developing, maintaining and implementing the Anti-Tax Evasion Policy. The policy addresses the prevention of tax evasion and will provide a coherent and consistent approach for all employees and any person who performs services for and on behalf of Bridgend County Borough Council.

25.6 All Chief Officers are responsible for ensuring compliance with the Anti-Fraud and Bribery Policy, Anti-Money Laundering Policy and the Anti-Tax Evasion Policy and with systems of internal control.

26. Estates

26.1 The Chief Executive Officer shall maintain a register and appropriate records detailing all properties owned by the Council including:

(a) purpose for which held;

(b) location, extent, and plan reference;

(c) particulars of nature of interest held;

(d) purchase details;

(e) rents payable;

(f) particulars of tenancies granted.

26.2 The Chief Finance Officer will maintain an asset register of all Council assets.

26.3 Where land and/or buildings are found to be surplus to requirements the responsible Chief Officer shall, as soon as possible, submit a report to the appropriate Cabinet Member for appropriate action in accordance with the Schemes of Delegation.

27. Asset Disposal

27.1 Directors are responsible for ensuring that all property assets which are surplus to requirements are referred to the Corporate Landlord section, who will determine the appropriate action to be taken in conjunction with Directorates. In accordance with the Council's disposal strategy the following shall be considered:

- restrictions relating to the ownership of the asset;
- opportunities for using the asset elsewhere in the Council;
- market opportunities;
- appropriate use of tendering procedures for disposal;
- fairness in the disposal process;
- asset security;
- the costs of disposal in relation to the expected income.

27.2 All assets, including assets declared surplus where disposal is proposed must be notified to the Chief Finance Officer for approval and appropriate action in accordance with the Council's disposal strategy and Scheme of Delegation of Functions.

27.3 All assets, whether land, property, buildings, vehicles, plant or equipment, must be notified to the Capital Accountant to ensure their disposal is accurately recorded on the Council's Asset Register in a timely manner, and as soon after disposal as possible.

28. Protection of private property

28.1 The Chief Officer shall in any known case where steps are necessary to prevent or mitigate loss of or damage to moveable property, prepare in a form agreed with the Chief Finance Officer, an itemised inventory in each case prepared in the presence of two officers.

28.2 All valuables such as jewellery, watches and other small articles of a similar nature and documents of title deposited with the Council for safe custody shall be recorded in a form agreed by the Chief Finance Officer.

28.3 All monies deposited with the Council for safekeeping shall be dealt with in accordance with guidelines agreed by the Chief Officer and the Chief Finance Officer.

28.4 Where a Chief Officer is required as part of their duties to hold in trust any property, valuables or cash belonging to a third party he should do so in accordance with guidelines agreed with the Chief Finance Officer.

29. Risk Management

29.1 The Chief Finance Officer is responsible for preparing the Council's Risk Management Strategy and its promotion throughout the Council and for advising of strategic, financial and operational risks.

29.2 Chief Officers shall be responsible for the identification, classification and control of all risks falling within their areas of responsibility. The risks identified shall be incorporated into a Departmental Risk Register, and any risks that exceed the Council's risk threshold shall be

notified to the Chief Finance Officer for incorporation into the Risk Register, which shall be subject to periodic review at no more than annual intervals.

29.3 Chief Officers shall take responsibility for risk management within their areas of responsibility, having regard to advice from the Chief Finance Officer and other specialist Officers (e.g. crime prevention, fire prevention, health and safety), and shall undertake regular reviews of risk within their own Directorates.

SECTION 18

CONTRACT PROCEDURE RULES

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 and Regulatory Services, Human Resources and Corporate Policy 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 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 and Regulatory Services, Human Resources and Corporate Policy, 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 and Regulatory Services, Human Resources and Corporate Policy, 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 and Regulatory Services, Human Resources and Corporate Policy 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 £5,000.00.00, 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 and Regulatory Services, Human Resources and Corporate Policy 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. Equivalents 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 and Regulatory Services, HR and Corporate Policy 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.

SECTION 19

19. CODE OF CONDUCT FOR MEMBERS

Part 1 - Interpretation

1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*") in relation to a relevant authority, means a person who is not a member of the authority but who —

is a member of any committee or sub-committee of the authority, or

is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

"meeting" ("*cyfarfod"*) means any meeting —

(a) of the relevant authority,

of any executive or board of the relevant authority,

of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint-committee of any executive or board of the authority, or

where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committee and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is-

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdordod perthnasol*")means—

(b) a county council,

a county borough council,

a community council,

a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies**,**

a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(1) In relation to a community council _

"proper officer" ("*swyddog pridol*") means an officer of the Council within the meaning of section 270(3) of the Local Government Act 1972; and

"standards committee" ("*pwyllgor safonau*") means the standards committee of the county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

Part 2 - General Provisions

2.(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim or act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4.You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6.(1) You must —

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority’s monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority’s monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —
(i) imprudently;
(ii) in breach of your authority's requirements;
(iii) unlawfully;
(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
(v) improperly for political purposes; or
(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
(i) the Chief Executive;
(ii) the authority's chief finance officer;
(iii) the authority's monitoring officer;
(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9.You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

Part 3 - Interests

Personal Interests

10(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

Note: Subparagraph (b) is omitted.

(c) a decision upon it might reasonably be regarded as affecting —

(xi) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(xii) any employment or business carried on by persons as described in 10(2)(c)(i);

(xiii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(xiv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(xv) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence

and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make-

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the Provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c)your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14 (1)Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) when submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

Part 4 - The Register of Members' Interests

14.

Registration of Personal Interests

15 (1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later), register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4) you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6)You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16 (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality material benefit or advantage.

APPENDIX 1 TO SECTION ERROR! REFERENCE SOURCE NOT FOUND.

Conduct of Members – The Principles

1. **SELFLESSNESS**

   Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

2. **HONESTY**

   Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. **INTEGRITY AND PROPRIETY**

   Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. **DUTY TO UPHOLD THE LAW**

   Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. **STEWARDSHIP**

   In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

6. **OBJECTIVITY IN DECISION-MAKING**

   In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

7. **EQUALITY AND RESPECT**

   Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others.

8. **OPENNESS**

   Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

9. **ACCOUNTABILITY**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. **LEADERSHIP**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

APPENDIX 2 TO SECTION ERROR! REFERENCE SOURCE NOT FOUND.

Protocol - Standard of Conduct Expected by Members

This protocol sets out the standards of conduct expected from Members within Bridgend County Borough Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct and the Member/Officer Protocol. It adds to these documents and does not detract from them.

Members are expected to:

1. **PUBLIC BEHAVIOUR**

   1.1 show respect to each other;

   1.2 not to make personal abusive comments about each other;

   1.3 not to publish anything insulting about each other;

   1.4 not to make malicious allegations against each other;

   1.5 not to publish or spread any false information about each other;

   1.6 show respect to diversity and equality;

2. **BEHAVIOUR IN MEETINGS**

   2.1 behave with dignity;

   2.2 show respect to the Chair and obey his/her decisions;

   2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

3. **CONFIDENTIALITY**

   3.1 keep the confidentiality of exempt papers and any other documents which are not public;

   3.2 not to release confidential information to the press or the public;

   3.3 not to use confidential information for purposes other than intended;

4. **LOCAL MEMBERS**

   4.1 work with Members of adjoining electoral divisions for the benefit of the locality;

   4.2 if dealing with any matter relating to another electoral division:

      4.2.1 explain to anyone seeking assistance that he/she is not the local Member;

      4.2.2 inform the local Member, unless it would lead to a breach of confidentiality.

APPENDIX 3 TO SECTION ERROR! REFERENCE SOURCE NOT FOUND.

Procedure for Dealing with Allegations made against Councillors and referred to the Standards Committee

1. INTRODUCTION

This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

2. INTERPRETATION

In this procedure:

2.1 the "Act" means the Local Government Act 2000;

2.2 the "Council" means Bridgend County Borough Council;

2.3 the "Code of Conduct" means the code of conduct for members adopted by the Council or the community councils within the Council's area in 2008 in accordance with section 51 of the Act, including any revisions;

2.4 the "Complainant" means any person who made any allegation which gave rise to the investigation;

2.5 the "Investigating Officer" means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer;

2.6 an "investigation report" means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under s71(2) of the Act or by the Monitoring Officer under the Regulations;

2.7 the "Member" means any person who is the subject of an investigation into any alleged breach of the Code of Conduct;

2.8 the "Monitoring Officer" means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989;

2.9 the "Ombudsman" means the Public Services Ombudsman for Wales;

2.10 the "Regulations" means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended;

2.11 the "Standards Officer" means the officer for the time being appointed by the Council to support the work of the Standards Committee.

3. SUMMARY OF THE PROCEDURE

3.1 Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by Members or Co-Opted Members (or former Members or co-opted Members) of the Council or a community council in the Council's area.

3.2 Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he/she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.

3.3 Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he/she will produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Standards Committee. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Standards Committee.

3.4 The Standards Committee will then make an initial determination either:

3.4.1 that there is no evidence of any failure to comply with the Code of Conduct; or

3.4.2 that the Member should be given the opportunity to make representations, either orally or in writing.

3.5 Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:

3.5.1 there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken;

3.5.2 the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;

3.5.3 the Member has failed to comply with the Code of Conduct and should be censured; or

3.5.4 the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted Member of his/her authority for a period not exceeding six months

and take any such action accordingly.

4. INVESTIGATIONS BY THE MONITORING OFFICER (REFERRALS UNDER SECTION 70(4) OF THE ACT)

4.1 Where the Ombudsman ceases his/her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:

4.1.1 conduct and investigation; and

4.1.2 report, and if appropriate, make recommendations to the Council's Standards Committee.

4.2 The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.

4.3 After concluding an investigation, the Monitoring Officer must:

4.3.1 produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee;

4.3.2 send a copy of the report to the Member; and

4.3.3 take reasonable steps to send a copy of the report to the Complainant.

4.4 The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

5. INVESTIGATIONS BY THE OMBUDSMAN (REFERRALS UNDER SECTION 71(2) OF THE ACT)

5.1 Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.

5.2 The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

6. THE FIRST MEETING OF THE STANDARDS COMMITTEE - INITIAL DETERMINATION

6.1 After the Monitoring Officer has:

6.1.1 produced an investigation report in accordance with paragraph 4.3; or

6.1.2 considered the Ombudsman's investigation report in accordance with paragraph 5.1

he/she will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.

6.2 Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001.

6.3 If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.

6.4 The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:

6.4.1 that there is no evidence of any failure to comply with the Code of Conduct; or

6.4.2 that the Member should be given the opportunity to make representations,

either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

7. **AFTER THE FIRST MEETING OF THE STANDARDS COMMITTEE**

7.1 Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.

7.2 Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

8. **PREPARING FOR THE HEARING TO CONSIDER THE MEMBER'S REPRESENTATIONS**

8.1 The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to respond in writing within 14 days to confirm whether he/she:

8.1.1 is able to attend the hearing;

8.1.2 wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response;

8.1.3 disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements;

8.1.4 wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations;

8.1.5 wants to give evidence to the Standards Committee, either orally or in writing;

8.1.6 wants to call relevant witnesses to give evidence to the Standards Committee;

8.1.7 wants any part of the meeting to be held in private;

8.1.8 wants any part of the investigation report or other relevant documents to be withheld from the public

8.2 The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.

8.3 The Standards Officer will send a copy of the Member's response under paragraph 8.1 to the Investigating Officer and will ask him/her to confirm in writing within seven days whether he/she:

8.3.1 has any comments on the Member's response;

8.3.2 wants to be represented at the hearing;

8.3.3 wants to call relevant witnesses to give evidence to the Standards Committee;

8.3.4 wants any part of the meeting to be held in private; and

8.3.5 wants any part of the investigation report or other relevant documents to be withheld from the public.

8.4 The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:

8.4.1 confirm the date, time and place for the hearing;

8.4.2 summarise the allegation;

8.4.3 outline the main facts of the case that are agreed;

8.4.4 outline the main facts which are not agreed;

8.4.5 note whether the Member or the Investigating Officer will attend or be represented at the hearing;

8.4.6 list those witnesses, if any, who will be asked to give evidence;

8.4.7 enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and

8.4.8 outline the proposed procedure for the meeting.

9. POWERS OF THE STANDARDS COMMITTEE

9.1 The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.

9.2 The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.

9.3 The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.

9.4 Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding six months.

10. PROCEDURE AT THE HEARING

10.1 The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.

10.2 The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

10.3 **Introduction**

The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

10.4 **First Stage - Preliminary Procedural Issues**

The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the prehearing process.

10.5 **Second Stage - Making Findings of Fact**

The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.

10.5.1 If there is a disagreement as to the facts:

(a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report;

(b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer;

(c) the Member will then be invited to make representations to support his or her version of the facts;

(d) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.

10.5.2 At any time, the Standards Committee may question any of the people involved or any of the witnesses.

10.5.3 If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

(a) continue with the hearing, relying on the information in the investigation report;

(b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or

(c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.

10.5.4 At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

10.6 **Third Stage - Deciding whether the Member has failed to comply with the Code**

10.6.1 The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

10.6.2 The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

10.6.3 The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.

10.6.4 The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

10.6.5 The Member will be invited to make any final relevant points.

10.6.6 The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

10.7 **Fourth Stage - Action to be Taken**

10.7.1 If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formerly record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.

10.7.2 If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:

(a) whether or not the Committee should apply a sanction; and

(b) what form any sanction should take.

10.7.3 The Standards Committee will retire to deliberate in private on the representations and decide either that:

(a) no action needs to be taken in respect of the failure to comply with the Code of Conduct;

(b) the Member should be censured; or

(c) the Member should be suspended or partially suspended from being a member or Co-Opted Member of his or her authority for a period not exceeding six months,

after which the Chair of the Standards Committee will announce their decision.

10.7.4 After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of

appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.

11. **FAILURE TO MAKE REPRESENTATIONS / ATTEND THE HEARING**

11.1 If the Member fails to make representations, the Standards Committee may:

11.1.1 unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or

11.1.2 give the Member a further opportunity to make representations.

11.2 If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence:

11.2.1 hear and decide the matter in the party's absence; or

11.2.2 adjourn the hearing.

12. **ILLNESS OR INCAPACITY**

If the Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

13. **SUSPENSION**

A period of suspension or partial suspension will commence on the day after:

13.1 the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (ie within 21 days of receiving notification of the Standards Committee's determination);

13.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations;

13.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

14. **REFERRAL BY AN APPEALS TRIBUNAL**

14.1 Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.

14.2 An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.

14.3 If:

14.3.1 the Standards Committee determines that the Member failed to comply with the Code of Conduct;

14.3.2 the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and

14.3.3 the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,

the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

14.4 After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

15. PUBLICATION OF THE STANDARDS COMMITTEE'S REPORT

15.1 The Standards Committee will cause to be produced within 14 days after:

15.1.1 the expiry of the time allowed to lodge a notice of appeal under the Regulations, or

15.1.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations, or

15.1.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

15.2 Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:

15.2.1 for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available;

15.2.2 supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and

15.2.3 not later than seven days after the report is received from the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by paragraphs 15.2.1 and 15.2.2 above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

16. COSTS

The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

SECTION 20

OFFICERS' CODE OF CONDUCT

Introduction

The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. 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. This Code of Conduct outlines the existing rules and conditions of service which apply to all council employees and is designed to provide clear guidance to assist employees in their day to day work.

Every employee has a responsibility to conduct themselves in their private lives in a manner that does not compromise their position in the workplace or put themselves in a position where their job, or the Council's interests and their own personal interests conflict.

All employees of the Council must have due regard and uphold the standards and behaviours expected of this Code and all other policies, protocols and procedures of the Council. Reference should also be made to Nolan's Seven Principles of Public Life. All employees of the Council are required to observe and uphold the standards of the Code and all policies and procedures of the Council. Failure to meet the standards and requirements of this Code may result in disciplinary action against an employee or action for breach of their employment contract with the Council. Further advice or guidance can be accessed from Human Resources or Legal Services. In addition to this Code, those employees who have professional memberships or registration will also need to adhere to specific professional codes of conduct, e.g. Social Care Wales / Education Workforce Council.

This Code of Conduct applies to all Council employees with the exception of teachers, for whom alternative arrangements will apply. The issues covered in this document will affect some more than others.

1. Standards

1.1 Local Government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through the procedures set out in the Council's Whistleblowing Policy, and without fear of recrimination, to bring to the attention of the appropriate level of management any irregularity or deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

2.1 The Council is committed to open government and the law requires that certain types of information must be available to members, auditors, government department, service users and the public.

2.2 Employees should ensure that the individual or personal circumstance of clients and users of Council services are treated confidentially. Information should not be released to anyone other than an individual who is entitled to receive it or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

2.3 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee which does not belong to the Council should not be divulged by the employee without the prior approval, except where such disclosure is required or sanctioned by the law.

2.4 The Council has policies which provide guidance on disclosing or maintaining information which can be found here. E-learning resources are also available for staff to access.

2.5 The use of non-corporate communications channels, such as personal emails or WhatsApp should not be used for official business, however, if this cannot be avoided then employees/members must ensure that all official information on non-corporate communication channels is transferred promptly onto official systems. The information contained within such communication channels would be within the scope for Freedom of Information requests.

2.6 Erasing, destroying or concealing information with the intention of preventing its disclosure following receipt of a formal request for information is a criminal offence under section 77 of the Freedom of Information Act 2000. This offence can apply to both a public authority and to any person who is employed by, is an officer of, or is subject to the direction of the authority. For example, where information that a request covers is knowingly treated as not held because it is in a non-corporate communications channel, this may count as concealment intended to prevent the disclosure of information. The person concealing the information may be liable to prosecution.

3. Safeguarding

3.1 All employees should be alert to the possibility of abuse and have an understanding of their roles and responsibilities when working with adults or children at risk and the requirement for reporting concerns.

3.2 It is not the responsibility of any one employee to determine whether abuse has taken place or if an individual is at risk of harm, however, employees do have a responsibility to report if there are concerns.

3.3 The Corporate Safeguarding policy provides information on how to report a concern about a child or adult at risk. As well as general information and resources on safeguarding.

4. Political Neutrality

4.1 Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the administration and must ensure that the individual rights of all councillors are respected.

4.2 It will also be a requirement of some employees' job role to advise political groups. If this is the case it must be done in ways which do not compromise their political neutrality.

4.3 Certain employees will be in politically restricted roles and they will be subject to restrictions enforced by legislation.

4.4 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

4.5 Those roles that are identified as being politically restricted will be reviewed by the Corporate Management Board and detailed within an employee's Written Statement of Particulars subject.

5. Relationships

5.1 Councillors

For some employees, their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government, more detail can be found in the protocol on Member Officer Relations.

5.2 The Local Community and Citizens

5.2.1 Employees should always remember their responsibilities to the public and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the Council's policies.

5.3 Contractors

5.3.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

5.3.2 Employees who engage or supervise contracts or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the line manager, who will notify the service Group Manager.

5.4 Separation of Roles during tendering

5.4.1 Employees involved in the tendering process and dealing with contractors should be clear on the specification of client and contractor roles within the Council. Senior employees who have both a client and contractors responsibility must be aware of the need for accountability and openness.

5.4.2 Employees who are involved as part of the evaluation panel for a tender process must complete and return to the procurement officer a Confidentiality Undertaking Form and a Conflict of Interest Declaration form. These are available on the Procurement intranet page

5.4.3 All employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

5.4.4 Employees who are privy to confidential information on tenders technical or commercial information for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

5.4.5 Employees who have an existing or potential interest in a company that may bid for a tender should inform the appropriate manager and withdraw from the tender process, including any preparation of tender documentation.

5.4.6 Employees should be especially careful to ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

5.4.7 Employees that engage or supervise contractors / suppliers or have an official relationship with contractors / suppliers and have previously had or currently have a relationship in a private or domestic capacity should declare to their line manager.

6 Appointments and Other Employment Matters

6.4 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal or familial relationship with a candidate.

6.5 Similarly, employees should not be involved in decisions relating to discipline, promotion for any other employee who they have a close personal or familial relationship.

7 Investigations by Monitoring Officers

7.4 When a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 an employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

8 Outside Commitments (Secondary Employment)

8.4 Employees are required to obtain authorisation to take any secondary employment. All employees should be clear about their contractual obligations and should not take secondary employment or become involved in any other activity, whether paid or not, which conflicts with the Council's interest. An employee's obligations when proposing to pursue secondary employment are covered in the Secondary Employment protocol.

8.5 Employees should seek advice on the ownership of intellectual property of copyright created during their employment.

9 Personal Interests and Opinions

9.4 The Council accepts that every employee has a right to their own opinion but should not allow any private or personal interests to affect how they do their job or make decisions.

9.4.3 Whilst it is accepted that in the workplace employees may discuss various matters and interest, they should ensure that any such discussions are amicable, respectful and do not express opinions that may contravene the Equality Act 2010.

9.4.4 An employee must not in their official or personal capacity:

- Allow their personal interests to conflict with the Council's requirements; or
- Use their position improperly to confer an advantage or disadvantage on any person.

9.4.5 Employees are required to declare any potential conflict of interest if they have a connection with any business or organisation (including voluntary bodies) which deals with the council and impacts on their role. This can be declared using the Declaration of Personal Interests form and returned to the Head of Service / Corporate Director for their acknowledgement. If employees are unsure about a potential conflict of interest, they must speak with their line manager.

9.4.6 Employees should declare to an appropriate manager their membership of any organisation, not open to the public without formal membership, if that membership could result in a conflict with the business of the Council.

9.4.7 Every employee has a responsibility to conduct themselves in their private lives in a manner that does not compromise their contractual obligations or are detrimental to the interests or reputation of the Council. An employee should not put themselves in a position where their role and the council's interest conflict.

9.4.8 Employees must not undertake private or personal work of any description in working hours or in the office unless the employee has received specific permission by their manager/supervisor.

9.4.9 The Council requires all employees to notify their Corporate Director / Head of Service without delay of any criminal investigation, charge or caution imposed upon them, with the exception of minor driving offences if their role does not include the use of a car.

9.5 Social Media

9.5.3 Employees must never publish or disclose any information on any form of social media site, about the Council which is not already in the public arena. Where employees have access to the internet as part of their role they are not permitted to access social networking sites such as Facebook, Twitter or similar. Please refer to the ICT Code of Conduct and Social Media Protocol for more information.

9.6 Financial Interests

9.6.3 Employees must declare to the Monitoring Officer, Section 151 Officer or publicly whenever they are present at any meeting of the Authority (whenever an Officer and a Member are present) any financial or non-financial interests which could conflict with the Council's interest.

9.7 Alcohol and Drug misuse

9.7.3 Employees have a responsibility to ensure that they attend work free from the consumption and influence of alcohol and/or substances. Employees must not return to or engage in formal council business following any consumption of alcohol and/or substances. This excludes hospitality and civic engagements when not returning to council business. For more detail on this issue please refer to the Alcohol and Substance Misuse Protocol

10 Equality Issues

10.4 All employees should ensure that legislation relating to equality issues are complied with. All members of the local community, customers and employees have a right to be treated with fairness, equity and dignity. The Council is fully committed to ensuring no individual suffers harassment or is treated unfavourably on the basis of any of the protected characteristics included within the Equality Act 2010.

11 Corruption

Employees should ensure that they are fully conversant with the Anti-Fraud & Bribery Policy and should report any suspicious activity to the Monitoring / Section 151 Officer.

11.4 Employees must report to their Chief Officer if anyone approaches them, which seems to them, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract.

12 Use of Financial Resources

12.4 All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, grounds or services must follow the Council Financial Procedure Rules. Details on financial procedures and systems can be found here.

12.5 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

13 Gifts & Hospitality

13.4 Employees should not accept any significant personal gifts in the course of their duties, unless the item(s) are insignificant items of modest values (up to £25) such as mugs, calendars, pens, diaries or other simple items of office equipment for use in council offices.

13.5 If item(s) are over £25 employees should complete the officer's declaration form and forward to the Monitoring Officer within 28 days of receiving the gift/hospitality.

13.6 Employees should not acquire materials, labour or plant at cost, trade or discount prices from or through a contractor employed by the Council.

13.7 Employees should only accept offers of hospitality if there is a genuine need to receive or impart information or represent the council in the community. Offers to attend purely social or sporting functions should be accepted only when the council should be seen to be represented. They should be properly authorised and recorded.

13.8 Acceptance by employees of hospitality through attendance at relevant conferences, seminars and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent is given by or on behalf of the council and where purchasing decisions are not compromised.

13.9 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the council may be taking affecting those providing the hospitality.

13.10 In all cases gifts/hospitality refused and accepted should be entered and retained on the Council's register. The Monitoring Officer will maintain a register recording details of gifts and hospitality offered to employees. Employees are to notify the Monitoring Officer within 28 days of the offer being made using the Gifts and Hospitality Form. Authorisation will be considered for the acceptance of the gift or hospitality. All relevant details will be added to the register which shall be available for public inspection and subject to annual inspection by the Council's Audit service.

14 Review of the Code

14.4 The operation of the Code will be evaluated from time to time and will be subject to review as necessary.

15 Compliance

15.4 Any breach of the requirements set out within the code of conduct policy may lead to disciplinary action and could lead to dismissal.

SECTION 21

PROTOCOL ON MEMBER / OFFICER RELATIONS

Introduction

1.1 The purpose of this Protocol is to guide Members and Officers of Bridgend County Borough Council in their relations with one another in such a way as to ensure the smooth running of the Council.

1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.

1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.

1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.

1.5 The National Assembly for Wales issued a Code of Conduct for Qualifying Employees of Relevant Authorities. This covers all the Council's employees. Paragraph 4 of the Code is reproduced below:

"Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis."

The Council's own Code of Conduct for Officers contains similar wording.

1.6 In line with the reference in the Code to "mutual respect" it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.

1.7 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the relevant Chief Officer. The Chief Officer will then look into the facts and report back to the Member. If the Member continues to feel concern, s/he should then report the facts to the Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Policy and Procedure.

1.8 Where an Officer feels that s/he has not been properly treated with respect and courtesy they should raise the matter with the Chief Officer or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Chief Officer or Chief Executive will take appropriate action either by approaching the individual Member and/or the relevant group leader.

2. Officer Advice to Members and Party Groups

2.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council.

2.2 Paragraph 4 of the Council's Code of Conduct for Members and Co-opted Members states that:

"Members:
(a) ……..
(b) must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees."

Similarly, paragraph 4 (Political Neutrality) of the Council's Code of Conduct for Officers states as follows:

"Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the administration and must ensure that the individual rights of all councillors are respected.

It will also be a requirement of some employees' job role to advise political groups. If this is the case it must be done in ways which do not compromise their political neutrality.

Certain employees will be in politically restricted roles and they will be subject to restrictions enforced by legislation.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work".

2.3 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

2.4 The support provided by Officers can take many forms ranging from a briefing meeting with Cabinet Members or a Chairperson prior to a meeting of the Cabinet, a Committee or other decision making body to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support should be available to all party groups.

2.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

2.5.1 Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;

2.5.2 Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions

reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

2.5.3 Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council, the Cabinet, the relevant Committee or other decision making body when the matter in question is considered.

2.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Code of Conduct for Members and Co-opted Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not attend and give advice at such a group meeting.

2.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

2.8 Whilst any Member may ask a relevant Chief Officer or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work. Requests will be met subject to any overriding legal considerations (which will be determined by the Monitoring Officer, or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable). If that is the case, s/he will raise the matter with the Chief Executive who will discuss the issue with the relevant group leader(s).

2.9 Where a Member requests factual information (usually written) from an Officer as set out in paragraph 2.8 above, that information will also be supplied to the appropriate Cabinet Member or Chairperson of the appropriate Committee and relevant Officers.

2.10 Where a Member requests policy advice (usually oral) that advice will not be supplied to the relevant Cabinet Member or Chairperson of the appropriate Committee without the consent of the requesting Member.

2.11 In relation to Budget proposals:

(a) the Cabinet shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until the Cabinet's Budget proposals are published; and

(b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative Budget proposals. These will remain confidential until determined by the respective opposition groups or until published whichever is the earlier.

2.12 It must not be assumed by any party group or Member that any Officer is supportive of any plan, policy or strategy developed because of that Officer's assistance in the formulation of that plan, policy or strategy.

2.13 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

3. Support Services to Members and Party Groups

3.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

4. Members' Access to Information and to Council Documents

4.1 Members are free to approach any Directorate of the Council to ask for information in accordance with paragraph 2.8. This right extends to such information, explanation or advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Director or another senior Officer of the Directorate concerned.

4.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.

4.3 Further and more detailed information regarding Members rights to inspect Council documents is contained in the Access to Information Procedure Rules in Section 15 of this Constitution and Members may obtain advice on their rights from the Council's Monitoring Officer.

4.4 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

5. Relationships between Officers and Cabinet Members/Chairpersons

5.1 It is clearly important that there should be a close working relationship between Cabinet Members, Chairpersons of Committees etc. and the Officers who report to or interact with the Cabinet and Committees etc. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.

5.2 It must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Director or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report may be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet Member or a Chairperson and a Director or other Senior Officer in this area should be referred to the Chief Executive for resolution in conjunction with the Monitoring Officer.

6. Correspondence

6.1 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

7. Site Visits / Meetings with Members

7.1 The ability of Officers to undertake duties free from political pressure prevails over any provisions which enable Member meetings and site visits to take place. As part of the operational role of the Directorates, Officers will arrange and undertake various meetings or site visits that will assist in the development of recommendations for senior officers or elected Members. It is not always appropriate that these meetings be attended by Elected Members and it is at the discretion of the responsible Officer to determine the merits of inviting either the Local Elected Members or an Elected Member with a particular responsibility or interest in the site or issues relating to that site.

7.2 It is recognised that there are occasions when Members need to meet with officers and the electorate or other third parties and attend site visits to carry out their legitimate role as Ward Councillors. Officers will attend site visits as are necessary for the performance of their duties and will, often separate to this function, ensure that Member meetings and site visits are available to Members.

7.3 The Development Control Committee has determined that for Planning purposes, only local members can request a site visit. This is usually restricted to sites within the Members own Ward and occasionally sites close to boundaries between wards where the impact of any development may affect an adjacent ward

7.4 Elected members will be invited to meetings and site visits when these are requested by individuals such as Assembly Members or Members of Parliament. These requests are likely to have an impact on the ward or areas of responsibility of the Elected Member.

SECTION 22

MEMBER ROLE DESCRIPTIONS

Elected Member Role Description

Accountabilities

(a) To Full Council.

(b) To the electorate of their ward.

Role Purpose and Activity

(c) *Representing and Supporting Communities*

(i) To represent ward interests.

(ii) To be an advocate for the Council in the ward and communities they serve.

(iii) To be a channel of communication to the community on council strategies, policies, services and procedures.

(iv) To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally.

(v) To liaise with executive members, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported.

(vi) To promote tolerance and cohesion in local communities.

(d) *Making Decisions and Overseeing Council Performance*

(i) To participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance.

(ii) To participate in informed and balanced decision making on committees and panels to which they might be appointed.

(iii) To adhere to the principles of democracy and collective responsibility in decision making.

(iv) To promote and ensure efficiency and effectiveness in the provision of council and other public services.

(e) *Representing the Council (Subject to Appointment)*

(i) To represent the Council on local outside bodies as an appointee of the Council.

(ii) To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain.

(iii) To represent and be an advocate for the Council on national bodies and at national events.

(f) *Internal Governance, Ethical Standards and Relationships*

(i) To promote and support good governance of the Council and its affairs To provide community leadership and promote active citizenship.

(ii) To promote and support open and transparent government.

(iii) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(iv) To adhere to the Member's Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office.

(g) *Personal and Role Development*

To participate in opportunities for development provided for members by the authority.

<u>Values</u>

To be committed to the values of the Council and the following values in public office:

(h) openness and transparency;

(i) honesty and integrity;

(j) tolerance and respect;

(k) equality and fairness;

(l) appreciation of cultural difference;

(m) sustainability.

Leader and Deputy Role Description

Accountabilities

(a) To Full Council.

(b) The Public.

Role Purpose and Activity

(c) *Providing Political Leadership to the Council*

(i) To be a political figurehead for the Council; to be the principal political spokesperson for the Council.

(ii) To provide leadership in building a political consensus around council policies.

(iii) To form a vision for the Council and community.

(iv) To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery.

(d) *Appointing the Cabinet*

(i) To designate the appropriate portfolios.

(ii) To appoint appropriate elected members to each portfolio.

(iii) To allocate cabinet members to roles with regard to their abilities.

(iv) To designate the Deputy Leader.

(e) *Representing and Acting as Ambassador for the Authority*

(i) To represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County and at external bodies.

(ii) To represent the Authority on the WLGA coordinating committee and the WLGA regional partnership board.

(iii) To represent the Authority on the Public Services Board.

(iv) To be the Council member on the Corporate Joint Committee

(v) To provide leadership and support local partnerships and organisations.

(vi) To represent the Authority in regional and national bodies as appropriate.

(f) *Providing Leadership within the Portfolio*

To fulfil the role of a portfolio holder, having regard to the role purpose and activities, and role specification of an executive member.

(g) *Managing and Leading the Work of the Cabinet and Chairing Meetings*

(i) To ensure the effective running of the Cabinet by managing the Forward Work Programme and ensuring its continuing development.

(ii) To ensure the work of the Cabinet meets national policy objectives.

(iii) To advise and mentor other cabinet members in their work.

(iv) To chair meetings of the Cabinet in line with the Constitution.

(v) In the Leader's absence the Deputy Leader should fulfil this role.

(h) *Participating in the Collective Decision Making of the Cabinet*

(i) To work closely with other cabinet members to ensure the development of effective council policies and the budgetary framework for the Council, and the delivery of high quality services to local people.

(ii) To accept collective responsibility and support decisions made by the Cabinet once they have been made.

(i) *Working with Officers to Lead the Organisation*

(i) To liaise with the Chief Executive, and other appropriate officers, on a regular basis.

(ii) To work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues.

(j) *Leading Partnerships and Community Leadership*

(i) To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities.

(ii) To negotiate and broker in cases of differing priorities and disagreement.

(iii) To act as a leader of the local community by showing vision and foresight.

(k) *Internal Governance, Ethical Standards and Relationships*

(i) To promote and support good governance of the Council and its affairs.

(ii) To provide community leadership and promote active citizenship.

(iii) To promote and support open and transparent government.

(iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(v) To adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

Values

To be committed to and demonstrate the following values in public office:

(l) openness and transparency;

(m) honesty and integrity;

(n) tolerance and respect;

(o) equality and fairness;

(p) appreciation of cultural difference;

(q) sustainability;

(r) inclusive leadership;

(s) consensus building.

Deputy Leader

To fulfil the duties of the Leader in his or her absence.

To assist the Leader in specific duties as required.

Cabinet Member Role Description

Accountabilities

(a) To the Leader.

(b) To the Cabinet (through collective responsibility).

(c) To Full Council.

Role Purpose and Activities

(d) *Providing Portfolio Leadership*

(i) To give political direction to officers working within the portfolio.

(ii) To gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes.

(iii) To provide leadership in the portfolio.

(iv) To liaise with the appropriate scrutiny chair and receive scrutiny reports as required.

(v) To be accountable for choices and performance in the portfolio.

(vi) To have an overview of the performance management, efficiency and effectiveness of the portfolio.

(vii) To make Executive Decisions within the Portfolio.

(e) *Contributing to the Setting of the Strategic Agenda and Work Programme for the Portfolio*

(i) To work with officers to formulate policy documents both strategic and statutory. Ensure that the political will of the majority is carried to and through the Cabinet.

(ii) To provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with stakeholders as required. Make sure that the portfolio's Forward Work Programme is kept up to date and accurate.

(f) *Providing Representation for the Portfolio*

To provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.

(g) *Reporting and Accounting*

(i) To report as appropriate to the Leader, Full Council, Cabinet, appropriate chair of scrutiny, regulatory bodies and the media.

(ii) To be the principal political spokesperson for the portfolio.

(iii) To appear before scrutiny committees in respect of matters within the portfolio.

(h) *Taking an Active Part in Cabinet Meetings and Decision Making*

(i) To show an interest in and support for the portfolios of others.

(ii) To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility.

(i) *Leading Partnerships and Community Leadership*

(i) To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities.

(ii) To negotiate and broker in cases of differing priorities and disagreement.

(iii) To act as a leader of the local community by showing vision and foresight.

(j) *Internal Governance, Ethical Standards and Relationships*

(i) To promote and support good governance of the Council and its affairs.

(ii) To provide community leadership and promote active citizenship.

(iii) To promote and support open and transparent government.

(iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(v) To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

Values

To be committed to the values of the Council and the following values in public office:

(k) openness and transparency;

(l) honesty and integrity;

(m) tolerance and respect;

(n) equality and fairness;

(o) appreciation of cultural difference;

(p) sustainability;

(q) inclusive leadership.

Mayor Role Description

Accountabilities

Full Council.

Role Purpose and Activity

(n) *Acting as a symbol of the Council's democratic authority*

(i) As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council.

(ii) To represent the Council at civic and ceremonial functions.

(o) *Chairing Council Meetings*

(i) To preside over meetings of the Council, so that its business can be carried out efficiently.

(ii) To ensure the Council conducts its meetings in line with the Council's Standing Orders.

(p) *Upholding and Promoting the Council's Constitution*

To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution.

(q) *Internal Governance, Ethical Standards and Relationships*

(i) To promote and support good governance of the Council and its affairs.

(ii) To provide community leadership and promote active citizenship.

(iii) To promote and support open and transparent government.

(iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(v) To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

(r) *Work Programming*

To prepare and manage an annual work programme for the Council to meet its legal obligations (eg setting the budget and the council tax and making appointments).

Values

To be committed to the values of the Council and the following values in public office:

(s) openness and transparency;

(t) honesty and integrity;

(u) tolerance and respect;

(v) equality and fairness;

(w) appreciation of cultural difference;

(x) sustainability.

Vice Chair

To fulfil the duties of the Chair in his or her absence.

To assist the Chair in specific duties as required.

Chair of Democratic Services Committee Role Description

Accountabilities

To Full Council.

Role Purpose and Activity

(a) *Providing Leadership and Direction*

(i) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.

(ii) To lead the committee in its role in:

(A) designating the Head of Democratic Services;

(B) keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate;

(C) make annual reports to the full council in relation to the above;

(D) appointing sub committees and chairs of sub-committees to undertake functions delegated by the committee;

(E) considering reports prepared by the Head of Democratic Services;

(F) developing the Authority's member support and development strategy;

(G) ensuring that members have access to a reasonable level of training and development as described in the Authority's member development strategy and the Wales Charter for Member Support and Development;

(H) ensuring that the budget for member development is sufficient;

(I) ensuring that members have access to personal development planning and annual personal development reviews;

(J) work with the member support and development champion where relevant to promote the role of members and necessary support and development.

(iii) To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.

(b) *Promoting the Role of the Democratic Services Committee*

(i) To act as an ambassador for the DS committee, facilitating understanding of the role.

(ii) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.

(iii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.

(c) *Internal Governance, Ethical Standards and Relationships*

(i) To develop the standing and integrity of the committee and its decision making.

(ii) To understand the respective roles of members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

(iii) To promote and support good governance by the Council.

Values

To be committed to the values of the council and the following values in public office:

(d) openness and transparency;

(e) honesty and integrity;

(f) tolerance and respect;

(g) equality and fairness;

(h) appreciation of cultural differences;

(i) sustainability.

Member of a Democratic Services Committee Role Description

Accountabilities

(a) To Full Council.

(b) To the Chair of the Democratic Services Committee.

Role Purpose and Activity

(c) Understanding the Nature of the Governance and Audit Committee:

(i) To be aware of and effectively undertake the role of the committee in:

(A) designating the Head of Democratic Services;

(B) keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate;

(C) make annual reports to the full council in relation to the above;

(D) appointing sub committees and chairs of sub-committees to undertake functions delegated by the committee;

(E) considering reports prepared by the Head of Democratic Services;

(F) developing the Authority's member support and development strategy;

(G) ensuring that members have access to a reasonable level of training and development as described in the member development strategy and the Wales Charter for Member Support and Development;

(H) ensuring that the budget for member development is sufficient;

(l) ensuring that members have access to personal development planning and annual personal development reviews.

(d) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.

(e) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee.

(f) Participating in Meetings and Making Decisions

(i) To participate effectively in meetings of the Democratic Services Committee.

(ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.

(g) Internal Governance, Ethical Standards and Relationships

(i) To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.

(ii) To promote and support good governance by the Council.

(iii) To understand the respective roles of members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

Values

To be committed to the values of the Council and the following values in public office:

(h) openness and transparency;

(i) honesty and integrity;

(j) tolerance and respect;

(k) equality and fairness;

(l) appreciation of cultural difference;

(m) sustainability.

Chair of a Regulatory Committee Role Description

Accountabilities

(a) To Full Council.

(b) To the members of the regulatory committee.

Role Purpose and Activity

(c) Providing Leadership and Direction

(i) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.

(ii) To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process.

(iii) To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.

(iv) To delegate actions to sub committees as appropriate

(d) Promoting the Role of the Regulatory Committee and Quasi-Judicial Decision Making

(i) To act as an ambassador for the regulatory committee, facilitating understanding of the role.

(ii) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.

(iii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings.

(e) Internal Governance, Ethical Standards and Relationships

(i) To develop the standing and integrity of the committee and its decision making.

(ii) To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility.

(iii) To promote and support good governance by the Council.

Values

To be committed to the values of the council and the following values in public office:

(f) openness and transparency;

(g) honesty and integrity;

(h) tolerance and respect;

(i) equality and fairness;

(j) appreciation of cultural differences;

(k) sustainability.

Member of a Regulatory Committee Role Description

Accountabilities

(a) To Full Council.

(b) To the Chair of the regulatory committee.

Role Purpose and Activity

(c) Understanding the Nature of the Regulatory Committee and Quasi-Judicial Decision Making

(i) To be aware of the quasi-judicial nature of regulatory committee decision making.

(ii) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.

(iii) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee.

(d) Participating in Meetings and Making Decisions

(i) To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making.

(ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.

(e) Internal Governance, Ethical Standards and Relationships

(i) To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.

(ii) To promote and support good governance by the Council.

(iii) To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility.

Values

To be committed to the values of the Council and the following values in public office:

(f) openness and transparency;

(g) honesty and integrity;

(h) tolerance and respect;

(i) equality and fairness;

(j) appreciation of cultural difference;

(k) sustainability.

Chair of Standards Committee Role Description

Accountabilities

To Full Council.

Role Purpose and Activity

(a) Providing Leadership and Direction

(i) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.

(ii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Code of Conduct.

(iii) To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.

(iv) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.

(v) To lead the committee in its role in:

(A) promoting and maintaining high standards of conduct by Councillors and co-opted members;

(B) assisting the Councillors and co-opted members to observe the Members' Code of Conduct;

(C) advising the Council on the adoption or revision of the Members' Code of Conduct;

(D) monitoring the operation of the Members' Code of Conduct;

(E) advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;

(F) granting dispensations to Councillors and co-opted members on dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales;

(G) the exercise of these functions in relation to community councils and the members of those community councils.

Values

To be committed to the values of the council and the following values in public office:

(b) openness and transparency;

(c) honesty and integrity;

(d) tolerance and respect;

(e) equality and fairness;

(f) appreciation of cultural differences;

(g) sustainability.

Member of a Standards Committee Role Description

Accountabilities

(a) To Full Council.

(b) To the Chair of the Standards Committee.

Role Purpose and Activity

(c) Understanding the nature of the Standards committee and effectively fulfilling its functions by:

(i) promoting and maintaining high standards of conduct by Councillors and co-opted members;

(ii) assisting the Councillors and co-opted members to observe the Members' Code of Conduct;

(iii) advising the Council on the adoption or revision of the Members' Code of Conduct;

(iv) monitoring the operation of the Members' Code of Conduct;

(v) advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;

(vi) granting dispensations to Councillors and co-opted members on dealing with any reports from a case tribunal or interim case tribunal,

and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.

(d) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.

(e) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee.

(f) Participating in Meetings and Making Decisions

(i) To participate effectively in meetings of the Standards committee.

(ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.

(g) Internal Governance, Ethical Standards and Relationships

(i) To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.

(ii) To promote and support good governance by the Council.

(iii) To understand the respective roles of members, officers and external parties operating within the Standards committee's area of responsibility.

Values

To be committed to the values of the Council and the following values in public office:

(h) openness and transparency;

(i) honesty and integrity;

(j) tolerance and respect;

(k) equality and fairness;

(l) appreciation of cultural difference;

(m) sustainability.

Chair of Governance and Audit Committee Role Description

Accountabilities

(a) To Full Council.

Role Purpose and Activity

(b) Providing Leadership and Direction

(i) To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.

(ii) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.

(iii) To agree the agendas for Governance and Audit Committee meetings.

(iv) To lead the committee in its role in:

(A) reviewing and scrutinising the authority's financial affairs;

(B) making reports and recommendations in relation to the authority's financial affairs;

(C) reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority;

(D) making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;

(E) overseeing the authority's internal and external audit arrangements;

(F) reviewing the financial statements prepared by the authority and approving them when powers are delegated;

(G) developing relationships with internal and external auditors and the Authority's Monitoring Officer;

(H) developing a Forward Work Programme designed to deliver the governance and audit committees functions;

(I) reviewing and self-assessing the performance of the Committee and its members; and

(J) reviewing and making recommendations in relation to the self-assessment report pursuant to section 91 of the Local Government and Elections (Wales) Act 2021.

(c) Promoting the Role of the Governance and Audit Committee

(i) To act as an ambassador for the governance and audit committee, facilitating understanding of the role.

(ii) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.

(iii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in the audit process.

(d) Internal Governance, Ethical Standards and Relationships

(i) Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it.

ii) To develop the standing and integrity of the committee and its decision making.

(iii)To understand the respective roles of members, officers and external parties operating within the governance and audit committee's area of responsibility.

(iv) To promote and support good governance by the Council.

Values

To be committed to the values of the council and the following values in public office:

(e) openness and transparency;

(f) honesty and integrity;

(g) tolerance and respect;

(h) equality and fairness;

(i) appreciation of cultural differences;

(j) sustainability.

Member of a Governance and Audit Committee Role Description

Accountabilities

(a) To Full Council.

(b) To the Chair of the Governance and Audit Committee.

Role Purpose and Activity

(c) Understanding the role of the Governance and Audit Committee and undertaking its functions:

(i) reviewing and scrutinising the authority's financial affairs;

(ii) making reports and recommendations in relation to the authority's financial affairs;

(iii) reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority;

(iv) making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;

(v) overseeing the authority's internal and external audit arrangements;

(vi) reviewing the financial statements prepared by the authority.

(d) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.

(e) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee.

(f) Participating in Meetings and Making Decisions

(i) To participate effectively in meetings of the governance and audit committee; questioning and seeking clarification on matters falling within the committee's remit.

(ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.

(g) Internal Governance, Ethical Standards and Relationships

(i) Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it.

(ii) To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.

(iii) To promote and support good governance by the Council.

(iv) To understand the respective roles of members, officers and external parties operating within the governance and audit committee's area of responsibility.

<u>Values</u>

To be committed to the values of the Council and the following values in public office:

(h) openness and transparency;

(i) honesty and integrity;

(j) tolerance and respect;

(k) equality and fairness;

(l) appreciation of cultural difference;

(m) sustainability.

Overview and Scrutiny Chair Role Description

Accountabilities

(a) Full Council.

(b) The Public.

Role Purpose and Activity

(c) Providing Leadership and Direction

(i) To provide confident and effective management of the member team.

(ii) To promote the role of overview and scrutiny within and outside the council, liaising effectively both internally within the council and externally with the Council's partners.

(iii) To demonstrate an objective and evidence based approach to overview and scrutiny.

(iv) To evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement.

(d) Managing the Work Programme

(i) To develop a balanced work programme of the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, and holding the executive to account including performance monitoring.

(ii) To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues.

(iii) To ensure that the work programme is delivered.

(iv) To report on progress against the work programme to Council, and others as appropriate.

(v) To liaise with officers, other members and community representatives to resource and deliver the work programme.

(e) Effective Meeting Management

(i) To set agendas containing clear objectives and outcomes for the meeting.

(ii) To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to.

(iii) To ensure that the necessary preparation is done beforehand To ensure that all participants have an opportunity to make an appropriate contribution.

(f) Community Leadership

(i) To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function.

(ii) To build understanding and ownership of the overview and scrutiny function within the community.

(iii) To identify relevant community based issues for scrutiny.

(iv) To promote the full involvement of external stakeholders for example, service users expert witnesses and partners in scrutiny activity.

(g) Involvement and Development of Committee Members

(i) To encourage effective contributions from all committee members in both committee and task and finish groups.

(ii) To assess individual and collective performance within the committee and facilitate appropriate development.

(iii) To champion the importance of learning and development.

Values

To be committed to the values of the Council and the following values in public office:

(h) openness and transparency;

(i) honesty and integrity;

(j) tolerance and respect;

(k) equality and fairness;

(l) appreciation of cultural difference;

(m) sustainability.

Overview and Scrutiny Member Role Description

Accountabilities

(a) Chair of the appropriate Overview and Scrutiny Committee.

(b) Full Council.

(c) The public.

Role Purpose and Activity

To participate fully in the activities of the Overview and Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups.

(d) Reviewing and Developing Policy

(i) To assist in the creation, development, improvement and refinement of council policy.

(ii) To challenge policies on a sound basis of evidence for example against legislation or local political priority.

(iii) To assess impact of existing policy.

(e) Holding the Executive to Account, Monitoring Performance and Service Delivery

(i) To monitor the performance of internal and external providers against standards and targets including questioning of executive and senior officers over time.

(ii) To contribute to the identification and mitigation of risk.

(iii) To investigate and address the causes of poor performance.

(iv) To evaluate the validity of Executive Decisions and challenging decisions through call in where appropriate.

(f) Promoting the Work of Overview and Scrutiny

(i) To promote the role of overview and scrutiny within and outside the council, developing effective internal and external relationships.

(ii) To demonstrate an objective and evidence based approach to overview and scrutiny.

(iii) To add value to the decision making and service provision of the authority through effective scrutiny.

(g) Community Leadership

(i) To use scrutiny as a means to address community issues and engage the public.

(ii) To encourage stakeholders to participate in the work of the authority To develop locally viable and acceptable policy solutions.

(iii) To build a dialogue around priorities, objectives and performance, among communities and stakeholders.

(h) Meeting Participation

(i) To make adequate and appropriate preparation for meetings through research and briefings.

(ii) To participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements.

Values

To be committed to the values of the Council and the following values in public office:

(i) openness and transparency;

(j) honesty and integrity;

(k) tolerance and respect;

(l) equality and fairness;

(m) appreciation of cultural difference;

(n) sustainability.

Leader of the Opposition Role Description

Accountabilities

To the nominating group within the constitution.

Role Purpose and Activity

(a) Providing Political Leadership for an Opposition Group

(i) To be a political figurehead for the opposition group; to be the principal political spokesperson for the Council's opposition.

(ii) To provide leadership in the constructive challenge of the Council's policies.

(iii) To constructively challenge the vision for the Council and community where appropriate.

(iv) To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery.

(b) Representing the Authority's Opposition

(i) To represent the Opposition Group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority.

(ii) To represent the Council on external bodies.

(c) Internal Governance, Ethical Standards and Relationships

(i) To promote and support good governance of the Council and its affairs.

(ii) To provide community leadership and promote active citizenship.

(iii) To promote and support open and transparent government.

(iv) To promote, support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(v) To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

Values

To be committed to and demonstrate the following values in public office:

(d) openness and transparency;

(e) honesty and integrity;

(f) tolerance and respect;

(g) equality and fairness;

(h) appreciation of cultural difference;

(i) sustainability;

(j) inclusive leadership;

(k) consensus building.

Role of the Deputy Leader of the Opposition

To fulfil the duties of the Leader in his or her absence.

To assist the Leader in specific duties as required.

Member Champion Purpose and Role

What are Member Champions?

(a) Member Champions exist to provide a voice for traditionally underrepresented groups, or issues which need to be kept at the forefront of council business although they may not be the responsibility of any individual or committee.

(b) Member Champions, (sometimes called lead members) are elected members who in addition to their other council responsibilities make sure that the issue or group that they are championing are taken into account when council policy is being developed and decisions are made. Members act as champions in areas such as children, homelessness, equalities, older people, young people, scrutiny, member support and development, health improvement and anti-poverty. There is a statutory role for a lead member of children's and young people's services with a responsibility for over-seeing the arrangements made under sections 25 and 26 of the 2004 Children Act.

(c) Guidance on undertaking the role with regard to the subject knowledge that members need is sometimes available from the outside bodies associated with the issue being championed for example the toolkit for older peoples' champions from the LGA. Otherwise they will be reliant on their authority for

guidance in the subject they lead on and also their role as lead member in this area.

What do they do?

Typically, the lead member will:

(d) make sure that their area of interest is taken into account when developing policy or making decisions;

(e) ask questions about performance and resourcing for the area;

(f) raise the profile of the area and make the authority aware of good practice;

(g) engage with external bodies who work in the area;

(h) engage with other officers and members in relation to the role;

(i) engage with community groups with an interest/stake in the area;

(j) report action to the council.

How does their role fit within the Corporate Structure?

(k) This will vary according to the area/issue that is being championed and how the authority functions. There is potential for confusion and overlap between the role of the member champion and those of the relevant executive member or overview and scrutiny members. The champion role itself could be undertaken by either the relevant executive member or a non-executive member.

(l) It is therefore important that members and officers work together to agree roles and action for the area being championed and that there are mechanisms for lead members to report on their activities. It is helpful for the authority to draft a protocol which sets out what powers champions have and do not have, such as whether or not they are able to make decisions on behalf of the authority. Similarly, the appointment of champions varies between authorities, and includes appointments being made by full council meetings or by the leader.

The Role Description

It is difficult to create a role description that fits with the different roles expected of champions and how they operate in the different authorities' structures. The following is a generic model which will require local adaptation, particularly to reflect the difference that may exist between a statutory role, one undertaken by an executive member and a non-executive lead.

Member Champion Role Description

Accountabilities

To Full Council.

Role Purpose and Activities

(a) Within the Council

(i) To promote the interest being championed within the Council's corporate and service priorities.

(ii) To promote the needs of the client group represented in the interest to the decision makers within the council.

(iii) To work with the decision makers in the Council to establish strategies/ policies/work plans connected with the interest.

(iv) To maintain an awareness of all matters connected with the interest.

(v) To contribute to good practice and the continuous improvement of services and functions related to the interest.

(vi) To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet /Full Council meetings etc.

(vii) Raising awareness of and taking a lead role in the development of all members and officers in relation to the interest.

(b) In the Community

(i) To raise the profile of the interest in the community.

(ii) To engage with citizens and community groups in matters related to the interest.

(iii) To lead and support local initiatives related to the interest.

Values

To be committed to the values of the Council and the following values in public office:

(c) openness and transparency;

(d) honesty and integrity;

(e) tolerance and respect;

(f) equality and fairness;

(g) appreciation of cultural difference;

(h) sustainability;

(i) inclusive leadership.

Elected Member Person Specification

To fulfil his or her role as laid out in the role description, an effective member requires the following:

Representing and Supporting Communities

(a) Good advocacy skills.

(b) Interpersonal skills.

(c) Integrity and the ability to set aside own views and act impartially.

(d) The ability to present relevant and well-reasoned arguments.

(e) Good communication skills.

Making Decisions and Overseeing Council Performance

(f) Knowledge and understanding of meetings law, rules and conventions.

(g) An understanding of strategic, policy and service contexts for decisions.

(h) The ability to challenge ideas and contribute positively to policy development.

Representing the Council (Subject to Appointment)

(i) Good public speaking skills.

(j) Good presentation skills.

(k) The ability to persuade others and act with integrity.

Internal Governance, Ethical Standards and Relationships

(l) An understanding of the roles of officers, members and different agencies.

(m) Respect for, and desire to work with, different groups and individuals.

(n) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.

(o) A knowledge and commitment to the values of the Council.

Personal and Role Development

(p) An ability to assess personal and role development needs.

(q) Desire and skills to participate in development.

Leader Person Specification

To fulfil his or her role as laid out in the role description, an effective leader requires:

Providing Political Leadership to the Council

(a) Knowledge of community strengths, areas of improvement and key issues.

(b) An understanding of the relationship between national and local politics.

(c) Have a good strategic awareness of issues facing the Council.

(d) An understanding of the Council's strategy, policies and operations.

Appointing the Cabinet*

(e) An understanding of the rules for the appointment of Cabinet Members.

(f) An ability to recognise talent amongst members.

(g) An ability to negotiate the most advantageous appointments within and across political groups.

(h) To appraise, guide and mentor senior members.

Representing and Acting as Ambassador for the Authority

(i) High level communication skills to communicate to the media, local community and wider audience.

(j) Good public speaking skills.

Providing Leadership within the Portfolio

The skills necessary for a cabinet member to fulfil their role.

Managing and Leading the work of the Cabinet and Chairing Meetings of the Cabinet

(k) An understanding of the Cabinet procedure rules.

(l) Skills to Chair meetings, including encouraging participation from all members.

(m) A knowledge and understanding of national policy objectives.

(n) An overview of the work being carried out by cabinet members.

Participating in the Collective Decision Making of the Cabinet

The ability to constructively challenge decisions and suggest alternatives.

Working with Officers to Lead the Organisation

An understanding of the roles and responsibilities of the Chief Executive and other officers.

Leading Partnerships and Community Leadership

(o) Adaptive leadership skills.

(p) Negotiation and brokerage skills.

(q) Creative and lateral thinking skills; the ability to see ahead and be predictive.

Internal Governance, Ethical Standards and Relationships

(r) An understanding of the roles of officers, members and different agencies.

(s) Respect for, and desire to work with, different groups and individuals.

(t) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.

(u) A knowledge and commitment to the values of the Council.

Cabinet Member Person Specification

To fulfil his or her role as laid out in the role description, an effective Cabinet Member requires:

Portfolio Leadership

(a) An understanding of the Council's strategy, policies and operations.

(b) Leadership skills.

Contributing to the setting of the Strategic Agenda and Work Programme for the Portfolio

(c) The ability to present to others.

(d) The ability to exercise strategic awareness and judgement.

(e) Knowledge of relevant issues and who to involve in decision making.

(f) The ability to persuade others.

(g) Knowledge of Council and national objectives.

Providing Representation for the Portfolio

(h) Public speaking skills.

(i) Good presentation skills.

Reporting as Appropriate

High level communication skills.

Taking an Active Part in Cabinet Meetings and Decisions

(j) The ability to constructively challenge decisions and suggest alternatives.

(k) The knowledge, confidence and ability to contribute to discussion and resolution of cross cutting and collective issues.

Leading Partnerships and Community Leadership

(l) Adaptive leadership skills.

(m) Negotiation and brokerage skills.

(n) Creative and lateral thinking skills; the ability to see ahead and be predictive.

Internal Governance, Ethical Standards and Relationships

(o) An understanding of the roles of officers, members and different agencies.

(p) Respect for, and desire to work with, different groups and individuals.

(q) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.

(r) A knowledge and commitment to the values of the Council.

Mayor Person Specification

To fulfil his or her role as laid out in the role description, an effective member requires the following:

Acting as a Symbol of the Council's Democratic Authority

(a) Good public speaking skills.

(b) An in-depth understanding of role of Chair.

Chairing Council Meetings

(c) Skills to chair meetings, to ensure business is carried out effectively and all those attending participate.

(d) An understanding of the Council's Standing Orders.

Upholding and Promoting the Council's Constitution

(e) An understanding of the Council's Constitution.

(f) An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution.

Internal Governance, Ethical Standards and Relationships

(g) An understanding of the roles of officers, members and different agencies.

(h) Respect for, and desire to work with, different groups and individuals.

(i) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.

(j) A knowledge and commitment to the values of the Council.

Work Programming

The ability and discipline to plan and manage work programmes.

Chair of Regulatory Committee Person Specification

To fulfil his or her role as set out in the role description, an effective regulatory committee chair requires:

Providing Leadership and Direction

(a) Ability to conduct meetings to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused.

(b) Understanding of the Council's role and ability to ensuring that stake holders are aware of that role.

(c) Communication skills Knowledge of local issues.

(d) Ability to manage the work of the committee.

(e) Ability to support and develop necessary skills in fellow members of the committee.

Promoting the Role of the Regulatory Committee and Quasi-Judicial Decision Making

(f) Understanding and appreciation of the regulatory framework.

(g) Ability to inspire and enthuse committee members for the work of the committee.

(h) Integrity and the ability to set aside own views and act impartially.

(i) Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them.

Internal Governance, Ethical Standards and Relationships

(j) Knowledge and understanding of the Code of Conduct(s) and protocols.

(k) Knowledge of and commitment to the values of the Council.

Regulatory Committee Member Person Specification

To fulfil his or her role as laid out in the role/job description, an effective member of a regulatory committee requires the following:

Understanding the Nature of the Regulatory Committee and Quasi-Judicial Decision Making

(a) Integrity and the ability to set aside own views and act impartially.

(b) Knowledge of law, policy and procedures for that regulatory/quasi-judicial area.

(c) Maintenance of knowledge.

(d) Objectivity and judgement.

Participating in Meetings and Making Decisions

(e) Ability to listen and to consider and respect the views of other contributors.

(f) Good public speaking skills.

(g) Good advocacy skills.

Internal Governance, Ethical Standards and Relationships

(h) Knowledge and understanding of the Code of Conduct(s) and protocols.

(i) Knowledge of and a commitment to the values of the Council.

Scrutiny Chair Person Specification

To fulfil his or her role laid out in the role description an effective Scrutiny Chair requires:

Providing Leadership and Direction

(a) Understanding of council role and functions.

(b) Understanding of role of scrutiny, terms of reference for the committee, role of chair, and other aspects of the democratic arrangements.

(c) Understanding of member support functions. Understanding of council priorities and risks Ability to develop work programmes.

(d) Understanding of community issues.

(e) Objectivity.

(f) Negotiation and consensus building.

(g) Ability to build constructive and 'critical friend' relationships with the Executive.

Managing the Work Programme

(h) Ability to manage projects and resources.

(i) Ability to manage people.

(j) Ability to prioritise.

(k) Ability to report progress to different groups in different styles.

Effective Meeting Management

(l) Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements.

(m) Ability to chair meetings effectively, managing the agenda and progressing business.

(n) Ability to facilitate effective discussions.

(o) Ability to listen and question effectively.

Community Leadership

(p) Understanding of the community leadership role.

(q) Knowledge of local issues and expectations.

(r) Ability to work effectively with all members of the community and build understanding and ownership of scrutiny.

(s) Knowledge of the individuals and organisations in the community especially those traditionally excluded.

Involving and Developing of Committee Members

(t) Understanding of the role and skills of the scrutiny committee and its individuals.

(u) Ability to support members and the committee in assessing their performance.

(v) Ability to identify any training and development needs and Champion and participate in appropriate learning and development.

Scrutiny Member Person Specification

To fulfil his or her role as laid out in the role description, an effective scrutiny member requires:

Participating Fully in the Activities of the Scrutiny Function

(a) Full understanding of the scrutiny remit and role, and terms of reference for their own committee and others.

(b) Understanding of member support functions.

(c) Willingness to work within the guidance of the chair.

(d) Willingness to undertake training as necessary.

Reviewing and Developing Policy

(e) Knowledge of and ability to evaluate existing policy.

(f) Understanding of best practice.

(g) Understanding of national and local legislative and policy context.

Monitoring Performance and Service Delivery and Holding the Executive to Account

(h) Understanding of the Wales Programme for Improvement (WPI) and associated risk assessment arrangements.

(i) Understanding of the principles and practice of performance management.

(j) Understanding of council's performance management arrangements.

(k) Ability to analyse data and challenge performance.

(l) Understanding of arrangements for call in.

Promoting the Work of Scrutiny

(m) Ability to negotiate and build consensus.

(n) Ability to act objectively and on the basis of evidence.

Community Leadership

(o) An understanding of the community leadership role.

(p) Knowledge of local issues and expectations.

(q) Ability to work effectively with all members of the community and build understanding and ownership of scrutiny.

(r) Knowledge of the individuals and organisations in the community especially those traditionally excluded.

Meeting Participation

(s) Ability to interpret information and data from a range of sources.

(t) Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements.

(u) Ability to participate in meetings including effective listening, questioning and speaking.

Leader of the Opposition Person Specification

To fulfil his or her role as laid out in the role description, an effective leader of the opposition requires:

In Providing Political Leadership for the Opposition Group

(a) Knowledge of community strengths, areas of improvement and key issues.

(b) An understanding of the relationship between national and local politics.

(c) Have a good strategic awareness of issues facing the Council.

(d) An understanding of the Council's strategy, policies and operations.

(e) An ability to challenge different strategies, policies and operations.

In Representing the Authority's Opposition

(f) High level communication skills to communicate to the media, local community and wider audience.

(g) Good public speaking skills.

(h) Creative and lateral thinking skills; the ability to see ahead and be foresighted.

(i) Leadership skills.

Internal Governance, Ethical Standards and Relationships

(j) An understanding of the roles of officers, members and different agencies Respect for, and willingness to work with, different groups and individuals.

(k) A thorough knowledge and understanding of the Code of Conduct and Member/Officer Protocol.

(l) A knowledge of and commitment to the values of the Council.

Member Champion Person Specification

Within the Council

(a) Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group.

(b) Ability to engage with a range of members and officers around the area of interest and listening to requirements.

(c) Ability to advocate on behalf of the area of interest within the council.

In the Community

(d) Understanding of the needs of the community in relation to the interest

(e) Ability to engage with citizens and community groups in matters related to the interest.

(f) Ability to lead and support local initiatives related to the interest.

(g) Ability to represent the position of the council to the community in relation to the interest.

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Appendix 2

Guide to the Constitution of Bridgend County Borough Council

Introduction

The constitution

The Council is made up of different individuals and bodies, who work together to deliver the Council's functions. The Council's constitution describes the different people and bodies that make up the Council, their functions, and the procedure rules that govern how those bodies work together to deliver services.

It is intended to: -

- enable the Council to make decisions efficiently and effectively;
- support you to participate in decisions that affect you;
- help Councillors to represent their constituents more effectively; and
- enable you to hold the Council to account.

One of the main aims of the constitution is to set out clearly what you can expect from the Council, and what you can do if your expectations are not met.

This guide

This guide is designed to help you to understand how the Council makes decisions and works to deliver services in your area and how you can get involved. It provides an overview of the Council's constitution and explains key sections of the constitution in clear and simple language.

It may also be of use to those organisations that work with the Council to deliver services in the Council's area.

The first part of this guide explains why the constitution is important and how it is reviewed and updated.

It aims to answer questions such as: -

- *Why does the Council have a constitution?*
- *How can I get a copy of the constitution?*
- *Who is responsible for keeping the constitution up to date?*

The second part of this guide explains how the Council is structured. It describes the Council's democratic bodies as well as how decisions are made and by whom.

It explains the functions of the Council, its Cabinet and its committees, and which body of the Council is responsible for particular policies and decisions.

It aims to answer questions such as: -

- *What does my local Councillor do?*
- *What does the Council do?*
- *What happens at Council meetings?*
- *How does the Council make decisions?*
- *How can I find out what the Council decided about an issue that affects me?*
- *What does the Cabinet do?*
- *How does the Cabinet make decisions?*
- *How are decisions scrutinised?*
- *Who is responsible for upholding standards and holding Councillors to account for their conduct?*
- *What do the Council's committees do?*
- *What does the Development Control committee do?*
- *Who is responsible for governance, audit and risk management?*
- *Who is responsible for upholding local democracy?*
- *What does the licensing committee do?*

The third part of this guide explains the roles and responsibilities of elected members and paid officers of the Council. It describes the jobs they do, and how they work together to deliver the Council's functions and priorities. It also explains the codes of conduct that govern councillors' and officers' conduct and the standards of behaviour that you can expect from them.

It aims to answer questions such as: -

- *What does the Mayor do?*
- *What does the Leader do?*

- *What happens if the Leader is unable to perform their duties?*
- *My Councillor is a member of the Cabinet, what does this mean?*
- *How are members of the Cabinet supported?*
- *What does the Chief Executive do?*
- *What responsibilities does the Monitoring Officer have?*
- *Who is responsible for ensuring that the Council's democratic policies and procedures are complied with?*
- *How should Councillors behave?*
- *How should Officers behave?*
- *Are there any special requirements when Councillors of Officers decide planning applications?*
- *How can I complain about the behaviour of a Councillor?*
- *How do I report concerns about the conduct of a paid Officer of the Council?*

The fourth part of this guide provides a summary of the key policies and procedures that govern how the Council carries out certain functions.

It aims to answer questions such as: -

- *Where can I find the Council's key plans and strategies?*
- *How is the Council's policy framework decided?*
- *How does the Council set its budget?*
- *Can decisions be taken that do not comply with the budget or policy framework?*
- *Can money be moved from one budget head to another once the budget has been adopted?*
- *What other policies and procedures govern how the Council manages its budget?*
- *Are there any restrictions on how the Council buys in goods and services?*

- *How does the Council enter into contracts and agreements?*

The final part of this guide explains how you can engage with, and get involved in, your Council and local democracy. It explains how your councillors are elected, how you can contact your councillor, raise questions and speak at meetings, and how you can use petitions to raise issues that are important to you with the Council.

It aims to answer questions such as: -

- *What is the Council doing to engage with local people?*
- *Can I send a petition to the Council?*
- *How can I find out when meetings of the Council and its committees and bodies are taking place?*
- *How can I find out what will be discussed at a particular meeting?*
- *How can I find out when an issue I am concerned about will be decided?*
- *Can I ask a committee or body of the Council to look into a particular issue?*
- *Can I attend meetings of the Full Council?*
- *Can I attend other meetings?*
- *Can I speak at a meeting?*
- *Can I ask a question at a meeting?*
- *How can I find out what the Council decided?*
- *Can I view the Council's accounts to understand how my council tax is spent?*

Signposts to the most relevant sections of the constitution and to additional resources available on the Council's website are provided throughout this guide to enable you to read more on a particular topic if you wish.

If there is anything in this guide which is unclear, or anything is missing, please let us know so we can improve it.

Part 1 The constitution

The constitution governs the way in which the Council, Councillors and officers working at the Council work together to deliver the Council's functions. It ensures that everyone at the Council acts lawfully, fairly and appropriately and that the Council's functions are performed properly and effectively.

Section 2.1 of the constitution explains the purpose of the constitution.

You can obtain a copy of the constitution from the Council's offices and view it on the Council's website. A copy of the constitution must also be provided to each Councillor when they are elected to the Council.

You can access the Council's constitution on the Council's website.

Section 2.8 of the constitution explains where, when and how the constitution must be published.

The Monitoring Officer is responsible for maintaining and reviewing the constitution. The Monitoring Officer is also responsible for deciding how the constitution should be understood and applied. You can read more about the Monitoring Officer's role in Part 4 of this guide.

The Full Council is responsible for agreeing the constitution. Once the constitution has been agreed, it can only be changed by the Full Council. Usually, changes to the constitution are recommended to the Full Council by the Monitoring Officer.

In some circumstances, the Monitoring Officer may make changes to the constitution. For example, where there is a change in the law that affects the constitution, or where a minor change is needed to clarify a provision in the constitution that is unclear.

Sections 2.4 to 2.6 of the constitution explain how the constitution is agreed and how it can be changed.

The constitution also governs how meetings of the Council and its committees should be conducted. The person chairing a meeting will be responsible for ensuring that the constitution is followed during that meeting.

Key words and phrases are defined and explained in section 2.2 of the constitution.

Part 2 The Council's democratic structures

The Council is made up of Councillors who are elected every five years to represent people living in different parts of the Council's area (referred to in the constitution as 'electoral wards').

Councillors are responsible for everyone living in the Council's area, but they have a special duty to people living in their ward.

Section 1.2 of the constitution provides an overview of how individual Councillors work together as the Council.

All Councillors meet together regularly as the Full Council. The Full Council is responsible for setting the Council's budget, policy priorities and overall policy framework.

At the start of every year, the Full Council will elect one Councillor as its Mayor. The Mayor is responsible for chairing meetings of the Full Council and ensuring that decisions are taken properly and in accordance with the rules.

You can read more about these roles in Part 3 of this guide.

The Council appoints or elects a Leader (who may be the leader of the largest political group or coalition of political groups). Individual councillors may also be appointed to the Cabinet by the Leader. The Leader will generally appoint councillors from their own political group to the Cabinet, although they may appoint councillors from any political group to the Cabinet. Members of the Cabinet are responsible for specific policy areas, commonly referred to as portfolios. Where responsibility for a particular work area or function is given to a member of the Cabinet, it is described in the constitution as being delegated to that person.

The Cabinet meets regularly to take collective decisions on those aspects of the Council's work which the Cabinet is responsible for.

Some of the Council's functions are carried out by committees. Committees are small groups of Councillors that meet together to carry out certain of the Council's regulatory and scrutiny functions. Subject to some exceptions, committees comprise councillors from each political group in the same proportion as they are represented on the Full Council.

Until recently all council meetings (whether of the Full Council, the Cabinet or a committee or sub-committee) had to take place in person and only those councillors how were physically present at the meeting could participate in discussions and vote. Councils are now able to meet using video conferencing software. Meetings may either be "remote" (where all councillors are in different places) or "hybrid" (where some people are present in one place, and others are in different places). Even if all

the people who are participating in a meeting choose to be physically present, the Council must ensure that there is the option to join the meeting remotely.

The Full Council may engage such paid staff (referred to as officers) as it considers necessary. The Cabinet, Full Council and committees may delegate functions to officers. Further information on delegations can be found in the officers' scheme of delegations.

You can read more about these structures in the following sections of this Part of the guide.

Councillors

Councillors are elected by the people living in a particular ward to represent them on the Council. However, Councillors are also accountable to the wider community and must act in the best interests of everyone living in the Council's area.

If you want to raise an issue with the Council and are not sure who to contact, you may wish to contact your Councillor to ask for help.

You can find out who your local Councillor is and their contact details on the Council's website.

All Councillors are members of the Full Council, and they may also be members of one or more of the Council's members bodies (such as the Cabinet or a committee). Where Councillors act as a member of a particular Council body, they are referred to in the constitution as 'Members'.

This is explained more fully in the list of definitions in section 2.2.2 of the constitution.

Councillors have certain rights that are set out in the constitution, which enable them to raise issues and make representations on your behalf.

For example, Councillors may: -

- see any information which they need in order to fulfil their role as a member of the Council;
- attend any meeting of the Council, its committees or the Cabinet;
- speak at any meeting of any Council body which they are a member of;
- with the permission of the chair, speak at any meeting of any Council body (even if they are not a member of that body);
- talk to the Leader, or members of the Cabinet or Council officers about any aspect of Council business; and
- raise complaints.

Councillors' rights to information are set out in section 3 of the constitution.

Councillors' rights to participate in Council proceedings are set out in section 3.3 of the constitution.

Councillors may also raise questions at meetings of the Full Council and the Council's committees and sub-committees, submit motions to the Full Council and call-in decisions.

The rules surrounding how these rights are exercised are set out in sections 4.19 to 4.21 and 7.29 of the constitution.

You can read more about the role of elected Councillors and the qualities that make a good Councillor in the role description (in the constitution) and the person specification (in the constitution).

Full Council

Section 4 of the constitution governs the Full Council.

What does the Full Council do?

The law requires that certain important decisions are taken by all Councillors meeting together as the Full Council. These are referred to in the constitution as functions of the Full Council. The Council may decide that other non-executive functions should be carried out by the Full Council too. These are referred to in the constitution as local choice functions because the Council has a choice about which person or body should carry them out.

Section 14 of the constitution explains the different types of functions that are carried out by the Council and which part of the Council is responsible for carrying them out.

The Full Council is responsible for, amongst other things: -

- agreeing the constitution, and any changes to the constitution;
- setting the Council's budget;
- developing the Council's single integrated plan (which explains how the Council will deliver its legal duties in areas such as health and social care, children and young people and community safety);
- agreeing key plans and strategies (referred to in the constitution as the 'policy framework');
- reviewing and reporting on the Council's performance;
- electing the Leader and the Mayor; and
- appointing the Chief Executive and other Chief Officers.

All of the functions of the Full Council are listed in section 4.6 of the constitution.

Meetings of the Full Council are chaired by the Mayor. They are responsible for ensuring that meetings are conducted in accordance with the constitution and that decisions are made properly, fairly and lawfully.

You can read more about the role of the Mayor in Part 3 of this guide.

What happens at meetings of the Full Council?

The Full Council will meet early in each financial year to elect Councillors to particular positions on the Council, to appoint Councillors to outside bodies and to establish committees and working groups to carry out the Council's business during the year. This is known as the annual meeting.

The timing of the annual meeting and the issues to be decided at that meeting are described in the council procedure rules in section 4.10 of the constitution.

At the annual meeting, the Council will also decide how often all Councillors should meet together as the Full Council. These regular meetings of the Full Meetings are known as ordinary meetings.

Ordinary meetings are carried out in accordance with the council procedure rules in section 4.11 of the constitution.

In some circumstances, it may be necessary for the Full Council to meet before its next scheduled meeting to discuss an issue that is particularly urgent or important. This is known as an extraordinary meeting of the Council.

The process by which an extraordinary meeting may be called and the issues that may be discussed there are set out in section 4.12 of the constitution.

The Full Council is responsible for deciding when and where meetings of the Full Council will be held. The Head of Democratic Services must notify Councillors of this by issuing them with a summons.

The Head of Democratic Services is also responsible for ensuring that the public are told about meetings of the Full Council, by publishing a notice in advance of each meeting. The notice must include certain information such as the date and time of the meeting, where it will be held and how you can access the meeting remotely using video conferencing.

You can read more about participating in meetings of the Council in part 4 of this guide.

Section 4.13 and 4.14 of the constitution govern meeting arrangements and notice requirements.

How does the Full Council make decisions?

Meetings of the Full Council are carried out in accordance with an agreed set of rules that are designed to ensure that debates are conducted fairly and efficiently, and that every Councillor has the ability to raise questions and to make comments on the public's behalf.

The rules of debate are set out in section 4.22 of the constitution.

Decisions are made by Councillors casting votes for or against a particular decision (referred to in the constitution as a motion). Councillors may also propose amendments (changes) to a particular motion, which must then be voted on.

Historically, votes were conducted by a show of hands, with Councillors asked to raise their hand to indicate whether they were voting for or against a particular motion, or whether they wished to abstain (i.e. to vote neither for nor against the motion). Councils now use a range of methods including electronic voting pads for meetings where Councillors are physically present and in-built electronic voting functions on video conferencing platforms where meetings are conducted remotely or in a hybrid format.

Decisions will usually require a simple majority of those present voting for a particular motion. In other words, more Councillors must vote for a motion than against it. Where a vote is tied once all Councillors have voted, the Mayor will have a second, casting vote.

Councillors may request a recorded vote on a particular issue. In a recorded vote, the Councillors voting for and against a particular motion, and those abstaining, will be written down and recorded in the minutes of the meeting. Councillors may also request that their individual vote on a particular motion is recorded in the minutes.

The Council's voting arrangements are set out in section 4.25 of the constitution.

Does every Councillor need to be present before a decision can be taken?

Not every Councillor needs to vote on every decision. In fact, in some circumstances it may not be appropriate for a Councillor to vote on a particular issue (for example, where they have a personal interest in a decision). You can read more about this in part three of this guide.

However, in order for the Council to make a lawful decision a minimum number of Councillors must be present at a meeting. The minimum number of Councillors that must be present at a meeting is referred to in the constitution as the quorum for that meeting.

Section 4.16 of the constitution sets out the minimum number of Councillors that must be present so the Full Council can make a decision.

Are meetings recorded?

Meetings of the Full Council are broadcast live on the Council's website.

A record of each meeting will be kept in the form of minutes. The minutes will contain a record of the motions that were put to the meeting, and the decisions that were taken. They will also record who was present at the meeting.

The minutes of a meeting of the Full Council will be agreed by the next meeting of the Council and published on the Council's website in accordance with the Council's access to information procedure rules.

The Council also publishes a record of the decisions taken at every meeting of the Full Council, the Cabinet and at committee and sub-committee meetings within seven days of the meeting taking place.

If you want to find out what the Council decided about an issue that affects you, you can read the minutes or the record of decisions for the meeting where that issue was discussed.

Information on the Council's broadcasting arrangements can be found in section 4.32 of the constitution and on the Council's website.

Information on minutes can be found in section 4.26 of the constitution.

The access to information procedure rules can be found in section 15 of the constitution.

Minutes of meetings and records of decisions are available on the Council's website.

The Cabinet

The Cabinet is made up of the Leader and individual Councillors appointed to the Cabinet by the Leader.

Sections 5.2 and 5.5 of the constitution explain the composition of the Cabinet and how Councillors are appointed to the Cabinet.

The role of Leader and any role on the Cabinet may be carried out by two or more Councillors on a job-share basis.

Section 5.13 of the constitution explains the job-sharing arrangements for members of the Cabinet.

What does the Cabinet do?

The Leader is responsible for carrying out the Council's executive functions. However, in practice the Leader cannot personally carry out every one of these functions, so the Leader delegates responsibility for certain functions to the Cabinet, to members of the Cabinet, to officers of the Council or to another bodies.

Each year, the Leader decides which functions to delegate to whom. This is known as the Council's scheme of delegation.

Sections 5.6 and 5.10.1 to 5.10.3 of the constitution explain how functions are delegated by the Leader.

The Council's scheme of delegation can be found on the Council's website.

Meetings of the Cabinet

The Leader will decide when the Cabinet will meet, and for how long. They will also chair meetings of the Cabinet.

The constitution prescribes certain matters that must be considered at every meeting of the Cabinet. Additionally, the Leader, members of the Cabinet and certain Chief Officers may require that an item of business is added to the meeting agenda.

Meetings of the Cabinet are carried out in accordance with the rules of procedure and debate set down in the constitution.

The rules of procedure and debate of the Cabinet are set out in sections 5.8 to 5.10 of the constitution.

Section 5.11 of the constitution governs how meetings of the Cabinet are conducted.

How does the Cabinet make decisions?

The Cabinet is obliged to consult with individual Councillors and with certain committees before it makes certain decision on matters that are not urgent.

The Cabinet is also required by law to consult with the public in advance of taking certain decisions. Even where legislation does not require public consultation, as a matter of good practice the Cabinet may also consult the public in advance of taking other significant decisions. Where the Cabinet undertakes public consultation, the Cabinet must have regard to the consultation responses received when taking their decision.

These consultation requirements are explained in section 15.14 of the consultation.

The Cabinet must keep a record of every decision it makes, including every decision made by an individual member of the Cabinet and the Cabinet's committees.

Section 15.15 of the constitution sets down the requirements for the Cabinet's record of decisions.

You can read the minutes of meetings of the Cabinet on the Council's website.

Why does the Council have committees and what do they do?

The law requires the Council to establish committees for the purpose of carrying out certain legal functions of the Council.

The Council may also decide to establish other committees and working groups for the purpose of assisting the Council to conduct its business efficiently and effectively.

What do the Council's scrutiny committees do?

Overview and Scrutiny Committee

The Overview and Scrutiny Committee is responsible for holding the Cabinet and other bodies of the Council to account.

The Overview and Scrutiny Committee can: -

- review and scrutinise decisions made by the Cabinet and other parts of the Council;
- make reports and recommendations to the Council or to the Cabinet; and
- make proposals regarding changes to the Council's policies and procedures.

The functions of the Overview and Scrutiny Committee are set out in sections 7.2, 7.4, 7.10 and 7.19 of the constitution.

Members of the Overview and Scrutiny Committee must be told about meetings of other Council bodies. They have special rights to see Council documents.

The Overview and Scrutiny Committee may also require any member of the Cabinet or any senior paid officer of the Council to attend a meeting of the committee to explain a decision that they have taken or their performance.

The Overview and Scrutiny Committee's rights and powers are described in sections 7.22 to 7.25 of the constitution.

The rules around membership of the Overview and Scrutiny Committee, the conduct of committee meetings and the carrying out of the functions are committee are set out in section 7 of the constitution.

Standards Committee

The Standards Committee is responsible for promoting high standards of conduct by Councillors, including by advising and training Councillors on the councillor code of conduct and advising the Council on changes to that code.

The functions of the Standards Committee are set out in sections 8.6 to 8.8 of the constitution.

The Standards Committee is also responsible for investigating alleged breaches of the councillor code of conduct and censuring members who are found to have failed to comply with that code.

The procedure for dealing with allegations made against Councillors is set out in the constitution.

The Standards Committee comprises a mixture of Councillors and independent members (who cannot be members or paid officers of the Council or related to members or paid officers of the Council).

Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).

You can read more about the Standards Committee in section 8 of the constitution.

What do the Council's regulatory and other committees do?

Development Control Committee

The Council is responsible for operating the planning system in its area. This involves preparing local development plans and local planning policies (which govern development in the Council's area) and managing development (by granting or refusing permission for new development).

The Council will appoint individual Councillors to the Committee and agree terms of reference for, and the delegation of powers to, the Committee to enable it to discharge those functions.

You can read more about the Council's Committee in section 9.4 of the constitution.

You can also read more about the Council's planning functions on the Council's website.

Licensing Committee

The Council is responsible for deciding whether to grant licences for a wide range of different businesses, services and activities in its area. The Council's licensing functions are delegated to the Council's Licensing Committee.

The Council will appoint individual Councillors to the Licensing Committee and agree terms of reference for, and the delegation of powers to, the Licensing Committee to enable it to discharge those functions.

You can read more about the Council's Licensing Committee in section 9.4 of the constitution.

You can also read more about the Council's licensing functions on the Council's website.

Governance and Audit Committee

The Governance and Audit Committee advises the Full Council, the Cabinet and their respective committees and members on matters relating to good governance, financial oversight, risk management and complaints.

The Governance and Audit Committee monitors the effectiveness of the Council's rules and procedures for ensuring that the Council acts lawfully, responsibly and that it is accountable to the public (referred to in the constitution as the Council's governance systems and internal controls). The committee is also responsible for ensuring that the Council's decisions and finances are audited in accordance with

agreed procedures. Lastly, the Governance and Audit Committee must review and comment upon the Council's own corporate self-assessment reports.

The Governance and Audit Committee comprises a mixture of Councillors and lay members (who are not members of the Council). Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).

Section 9.2 of the constitution explains the Council's arrangements for the Governance and Audit Committee.

The constitution explains the functions of the Governance and Audit Committee.

Democratic Services Committee

The Democratic Services Committee is responsible for appointing the Head of Democratic Services, keeping under review the provision of resources to the Head of Democratic Services and supporting non-executive members of the Council.

The Democratic Services Committee is made up of Councillors, though there are limits to the number of Cabinet members who can sit on the Democratic Services Committee. Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).

Section 9.3 of the constitution explains the Council's arrangements for the Democratic Services Committee.

The constitution explains the functions of the Democratic Services Committee.

What are joint committees?

The Council may carry out some of its functions jointly with one or more other local authorities in Wales, and with other public bodies. The Council may decide to do this where, for example, the Council considers that it could better promote the economic, social or environmental wellbeing of people living in its area by coordinating its activities with other local authorities, bodies or people.

The Council can establish a joint committee with other local authorities, bodies or people and delegate decisions and functions to that joint committee. By allowing decisions to be taken by a joint committee, the Council can ensure that decisions can be coordinated between all authorities and bodies represented on the committee.

The Cabinet may also establish joint arrangements with one or more local authorities in Wales for the purpose of jointly exercising executive functions together with those authorities.

Section 10.3 of the constitution governs the circumstances in which the Council or Cabinet may enter into joint arrangements with other authorities and bodies.

The Council and the Cabinet may also delegate or contract out particular functions to another local authority or to another body or organisation.

Sections 10.5 to 10.6 of the constitution explain the Council's delegations and contracting out arrangements.

The South East Wales Corporate Joint Committee

The South East Wales Corporate Joint Committee is made up of the Leaders of the constituent Councils, who may decide to co-opt other executive members or partner representatives as appropriate.

The Council must work together with other members of the Corporate Joint Committee when it performs these functions.

The Corporate Joint Committee was established under regulations made by the Welsh Ministers. Consequently, many of the rules and standards that apply to the Corporate Joint Committee are set down in regulations, rather than in the constitution.

You can read more about the Corporate Joint Committee arrangements in section 10 of the constitution.

Part 3 Roles and responsibilities

What roles do Councillors perform?

In the constitution you can find information about the roles that Councillors may perform on the Council.

These include: -

- Leader and Deputy Leader;
- Mayor and Deputy Mayor;
- Member of the Cabinet;
- Assistant to the Executive;
- Elected Member (Councillor);
- Chair and / or member of the Democratic Services Committee;
- Member of the Governance and Audit Committee;
- Chair and / or member of the Overview and Scrutiny Committee;
- Member of the Standards Committee;
- Chair and / or member of a regulatory committee;
- Leader of the Opposition and Deputy Leader of the Opposition; and
- Member Champion.

In the constitution you will also find information about the roles played by senior paid officials of the Council, including the Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services.

This part of the guide provides more information about these important roles.

Mayor and Deputy Mayor

The Mayor and Deputy Mayor are elected by the Full Council every year.

The procedures that govern the election of the Mayor and the Deputy Mayor and their resignation or dismissal are set out in section 4.7.3 of the constitution.

The Mayor is responsible for: -

- promoting and upholding the constitution;
- presiding over meetings of the Full Council;
- ensuring that meetings of the Full Council are quorate and conducted in accordance with the Council's procedure rules; and
- ensuring that decisions are taken in accordance with the constitution.

The Mayor is also the civil leader of the Council. They are responsible for promoting the interests and reputation of the Council and for carrying out civic, community and ceremonial activities.

The Deputy Mayor performs the Mayor's functions in their absence.

You can read more about the role and functions of the Mayor and the Deputy Mayor in section 4.7.4 of the constitution.

The role description for the Mayor can be found in the constitution.

The role description for the Deputy Mayor can be found in the constitution.

The person specification for the Mayor can be found in the constitution.

Leader and Deputy Leader

The Leader is elected by the Full Council.

The Deputy Leader is appointed by the Leader to exercise the Leader's functions in their absence.

The arrangements governing the election of the Leader and the appointment of the Deputy Leader are set out in sections 6.1 to 6.4 of the constitution.

The Leader is responsible for appointing Councillors to the Cabinet and for allocating specific policy areas and responsibilities (portfolios) to members of the Cabinet.

The Leader is also responsible for preparing a scheme describing which functions are to be carried out by which members of the Cabinet (this is referred to in the constitution as the Cabinet scheme of delegation).

See section 6.5 of the constitution for more information.

The Leader also chairs meetings of the Cabinet.

The Leader will act as the Council member of the South East Wales Corporate Joint Committee and the Council's representative on the Public Services Board.

The Leader may appoint other members of the Council to sit on other outside bodies.

See sections 6.5.6 to 6.5.8 of the constitution for more information.

The role description for the Leader can be found in the constitution.

The role description for the Deputy Leader can be found in the constitution.

The person specification for the Leader can be found in the constitution.

Member of the Cabinet

Members of the Cabinet are responsible for: -

- taking decisions regarding issues that fall within their area of responsibility;
- playing an active role in Cabinet meetings and decision making;
- contributing to the development of the Council's forward work programme and to policies and procedures in their area of responsibility;
- providing political leadership to the Council's paid officers on matters they are responsible for;
- reporting to the Full Council, the Leader, the Cabinet and others on the performance of services which they are responsible for; and
- participating in the Council's scrutiny processes and procedures, including by explaining decisions they have made and the performance of functions within their area to the Overview and Scrutiny Committee.

You can read more about members of the Cabinet in section 5.5 of the constitution.

The role description for members of the Cabinet can be found in the constitution.

The person specification for members of the Cabinet can be found in the constitution.

Assistant to the Executive

Assistants to the Executive support members of the Cabinet by taking on certain tasks and responsibilities on their behalf. They may attend meetings, prepare reports, review papers and draft comments for the member they support.

Assistants to the Executive are not members of the Cabinet and cannot vote at Cabinet Meetings or Cabinet Committee Meetings. However, they are entitled to attend and to speak at meetings of the Cabinet and its committees.

You can read more about Assistants to the Executive in section 5.7 of the constitution.

What roles do paid officers of the Council perform?

The elected members of the Council are supported by paid officers of the Council, who are accountable to the Council and responsible for delivering services to the public in

accordance with the policies and procedures agreed by the Full Council, the Cabinet and their committees and bodies.

The **Chief Executive** has overall corporate and operational responsibility for the work of the Council and for all paid officers of the Council.

The Chief Executive's role and responsibilities are described in sections 12.1.2 and 12.2 of the constitution.

The **Monitoring Officer** is responsible for ensuring lawfulness and fairness in the Council's decision making, maintaining and upholding the constitution, receiving reports of alleged breaches of the Council's duties and obligations and conducting investigations into such allegations.

The Monitoring Officer's role and responsibilities are described in section 12.3 of the constitution.

The **Head of Democratic Services** is responsible for advising the Council, its committees and individual Councillors, on the proper discharge of the Council's democratic functions and responsibilities.

The Head of Democratic Services' role and responsibilities are described in section 12.5 of the constitution.

The **Chief Finance Officer** is responsible for ensuring that the Council makes lawful and financially prudent decisions. They are also responsible for the administration of the Council's financial affairs and providing advice to Councillors on the Council's budgetary and other financial procedures.

The Chief Finance Officer's role and responsibilities are described in sections 12.4 and 17 of the constitution.

The Council also employs a number of other Chief Officers as listed in the constitution.

Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with the Council's policies.

The roles and responsibilities of Chief Officers are described in the constitution.

The processes by which officers are recruited, appointed, disciplined and dismissed are set out in section 12.9 of the constitution.

How should Councillors and Officers behave?

Councillors should comply with the Members' Code of Conduct

Councillors are expected to uphold the highest standards of personal and professional conduct. Those standards are described in the Code of Conduct for Members.

The Code of Conduct for Members is intended to help and guide Councillors in maintaining appropriate standards of conduct when serving their community. In turn, it provides reassurance to the public and helps build their trust in, and respect for, their local representatives.

The Code of Conduct for Members is based upon the 7 Principles of Public Life, which were first set out in the 1995 Nolan Report on Standards in Public Life. Three additional principles were added in the local government principles in Wales.

The Code of Conduct for Members is consistent with, and provides for the practical application of, these principles.

- **Selflessness**

  Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.

- **Honesty**

  Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

- **Integrity and propriety**

  Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

- **Duty to uphold the law**

  Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

- **Stewardship**

  In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

- **Objectivity in decision-making**

  In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

- **Equality and respect**

  Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others.

- **Openness**

  Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

- **Accountability**

  Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

- **Leadership**

  Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

You can read the Code of Conduct for Members in full in the constitution.

Councillors are expected to ensure that they understand their obligations under the Code and act in a way which shows that they are committed to meeting the high standards of conduct that are expected of them. However, Councillors are provided with training when they are first appointed, and on a regular basis, to support them to comply with the Code of Conduct for Members.

Officers should comply with the Officers' Code of Conduct

Paid officers of the Council are responsible for serving the council by providing advice to Councillors, implementing the Council's policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

The public is entitled to expect the highest standards of conduct from all those who work for the Council. The Code of Conduct for Officers outlines the rules and conditions of service which apply to the Council's employees. It is designed to provide clear guidance to assist them in their day to day work and to allow the public to understand what they can expect when they interact with a Council employee.

You can read the Code of Conduct for Officers in full in the constitution.

How should Councillors and Officers work together?

Councillors and Officers have different roles, responsibilities and accountabilities, but it is imperative that they work effectively together to perform the Council's functions and to deliver services to residents living in the Council's area.

The Protocol on Member and Officer Relations is designed to clarify the respective roles and responsibilities of Councillors and Officers and to guide them in their dealings with one another. It explains what Councillors and Officers can reasonably expect from one another and how they should work together to achieve their common purpose.

Councillors are entitled to express political views and to support the policies of the party or group to which they belong. Conversely, officers are expected to carry out the Council's business in a politically impartial way and many are restricted from engaging in political activity. The protocol therefore explains how officers can support the policy deliberations by political groupings, while remaining politically neutral.

You can read the Protocol on Member and Officer Relations in full in the constitution.

How can I complain about a Councillor?

Section 3.2.2.(g) of the constitution explains how you can submit comments or complaints about the Council's services.

If you wish to complain about a Councillor, then you should contact either the Council's Monitoring Officer or the Public Services Ombudsman for Wales.

The Council's complaints process provides more information about how to complain. It is available on the Council's website.

You can find the Monitoring Officer's contact details on the Council's website.

You can find out more about how to complain to the Public Services Ombudsman for Wales on their website:
https://www.ombudsman.wales/how-to-complain/

How can I complain about a service provided by the Council?

If you have a complaint about the Council, its employees or the services it provides you make a complaint via the Council's complaints process which can be found on the Council's website.

Part 4 Policies and procedures

The Council's key plans and strategies (the policy framework)

Where can I find the Council's key plans and strategies?

The Full Council is responsible for setting the Council's key plans and strategies, which together form the Council's policy framework.

The plans and strategies which form the Council's policy framework are listed in section 4.2 of the constitution.

Individual plans and strategies are published on the Council's website.

Additionally, the Council's single integrated plan brings together the Council's plans and strategies for: communities; children and young people; health social care and wellbeing; and community safety.

You can read more about the single integrated plan in section 4.3 of the constitution.

The Council's single integrated plan is published on the Council's website.

How is the Council's policy framework decided?

The Cabinet is responsible for consulting with relevant stakeholders, considering any reports or recommendations made by the Council's Overview and Scrutiny Committees and working with the Council's Chief Officers to develop a draft policy framework.

Once the Cabinet has developed a draft policy framework, it will be considered by a meeting of the Full Council. The Full Council may decide to adopt the policy framework, make changes to it, refer it back to the Cabinet so that further work can be done on it, or substitute its own policy framework for the draft prepared by the Cabinet.

If the Full Council decides to adopt the policy framework then it shall take effect immediately. If the Full Council amends the policy framework then the Leader has an opportunity to object to the amendments and to reconvene the Full Council to reconsider the policy framework.

Once adopted, the Cabinet, their committees, individual Councillors and the Council's paid officers are bound to act in accordance with the policy framework.

The process by which the Full Council adopts a policy framework is described in section 16.2 of the constitution.

Budget setting and financial management

How does the Council set its budget?

The Full Council is responsible for agreeing the Council's budget, and for agreeing changes to the Council's budget once it has been formally adopted.

The Council's budget is in two parts: -

- the revenue budget provides for day to day operating costs and expenditure like staff salaries, rent, and the ongoing costs of providing services.
- the capital budget provides for one-off costs like a major road improvement scheme, or the purchase or construction of a new car park.

The Cabinet, in consultation with the Chief Finance Officer, is responsible for developing initial proposals for the Council's budget and consulting over these.

Once this consultation has been completed, the Cabinet is responsible for preparing a final budget proposal for consideration by the Full Council.

The Full Council may adopt the budget without making any changes, amend the budget, or ask the Cabinet to reconsider it before adopting it.

The process by which the Full Council adopts its budget is described in sections 16.3.1 and 17 of the constitution.

Decisions outside the budget or policy framework

Can decisions be taken that do not comply with the budget or policy framework?

The Full Council may decide to make changes to the policy framework.

Other bodies and individuals may only take decisions that do not comply with the policy framework in a limited number of exceptional circumstances, which are set out in the constitution. For example, where an urgent decision must be taken to safeguard the Council's interests and it is not possible to arrange a meeting of the Full Council in time.

However, the Council's overview and scrutiny committee may decide to refer such decisions to the Full Council for further consideration (this is referred to in the constitution as calling-in the decision).

The Council's arrangements for urgent decisions which do not comply with the policy framework are set out in section 16.5 of the constitution.

Section 16.7 of the constitution describes the limited circumstances in which bodies or individuals other than the Full Council may make changes to the policy framework.

The overview and scrutiny committee's powers are described in section 16.8 of the constitution.

Can money be moved from one budget head to another once the budget has been adopted?

During the year the Cabinet and Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs or priorities in order to deliver the Council's policy framework within the financial limits set by the Council.

The mechanism by which the Cabinet and Chief Officers may move money between budget heads is set out in the constitution.

What other policies and procedures govern how the Council manages its budget?

The Council is bound by a number of different financial rules and procedures that govern how the Council's spending is planned, committed, reviewed and audited.

The Council's detailed financial procedure rules are set out in section 17 of the constitution.

Are there any restrictions on how the Council buys in goods and services?

The Council can enter into contracts to purchase goods and services in much the same way as any other person or organisation. However, the Council must comply with the contract procedure rules in the constitution when it does so.

The purpose of the contract procedure rules is to ensure that the Council complies with relevant legal requirements and secures the most economically advantageous (best value) goods and services for taxpayers.

If you regularly sell goods or services to the Council then you may wish to familiarise with these rules and procedures.

The Council's contract procedure rules are set out in the constitution.

How does the Council enter into contracts and agreements?

The rules and procedures that govern how agreements, contracts and deeds are authorised and executed on behalf of the Council are set out in section 13 of the constitution.

Part 5 How can I get involved?

How is the Council engaging with local people to encourage them to participate in local democracy?

The Council will publish a public participation strategy which explains how it will encourage local people to participate in the Council's decision-making processes. The Council's public participation strategy describes how the Council will:

- promote awareness of the Council's functions;
- promote awareness of how people can become a Councillor and what the role entails;
- facilitate access to information about decisions made, or to be made, by the Council;
- promoting arrangements by which people may make representations to the Council about decisions it has made or will make in the future;
- ensure that the public's views are brought to the attention of its Overview and Scrutiny Committee[s]; and
- promote awareness amongst Councillors of the benefits of using social media to communicate with local people.

The Council also engages with local people through citizen panels and surveys and consultations around specific policies and services. These may be initiated by the Council, service departments within the Council or through the work of the Council's committees or sub-committees.

Can I send a petition to the Council?

Yes, you can submit petitions to the Council using the Council's petition scheme. The Council is obliged by law to operate a petition scheme, which sets out: -

- how a petition can be submitted to the Council;
- how and when the Council will acknowledge receipt of a petition;
- the steps the Council will take in response to a petition; and
- how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public.

You can read more about submitting a petition to the Council in section 3.2.2.(c) of the constitution.

The Council publishes details of its petition scheme on its website.

How can I find out when meetings of the Council and its committees and bodies are taking place?

The Council publishes notices of meetings of the Full Council and its committees.

You can find out more about notice requirements in sections 3.1.1, 4.14 and 15.4 of the constitution.

The Council publishes notices of meetings, and a programme of upcoming meetings, on its website.

How can I find out what will be discussed at a particular meeting?

The Council will publish agendas for meetings, together with any background papers and reports in advance of the meeting taking place.

Hard copies of agendas and background papers and reports will also be available at the meeting for those members of the public who wish to attend in person.

You can find out more the information that is made publicly available in advance of a Council meeting in sections 15.5 and 15.8 of the constitution.

The Council publishes meetings agendas and supporting documents and reports on its website.

How can I find out when an issue I am interested in will be decided?

The Council publishes a forward work programme, which sets out what decisions will be taken by the Full Council, the Cabinet and what issues the Overview and Scrutiny Committee will be considering, and when these matters will be discussed.

You can find out more about the Council's forward work programme in sections 3.1.1 and 15.13 of the constitution.

The Council publishes its forward work programme on its website.

Can I ask a committee or body of the Council to look into a particular issue?

You can ask the chair of a particular body to add an item to the agenda for a future meeting, or attend a meeting and ask that body to look at an issue when it is considering items of future business.

Can I observe meetings of the Full Council?

Yes, members of the public can come to observe meetings of the Full Council so long as they are being held in public.

Meetings of the Full Council are also broadcast live on the Council's website so you can watch them in real time remotely if you wish to do so.

The public will only be excluded from meetings whenever it is likely that confidential information would be disclosed to them if they were able to attend. The Council may also exclude the public from a meeting, or part of a meeting, where exempt information would be disclosed. Exempt information includes information that relates to a particular individual or their financial or business affairs, information that is legally privileged or information relating to the prevention, investigation or prosecution of a crime, or other information specified in the constitution.

If you interrupt a meeting of the Council, then you are likely to be warned by the Mayor about causing a disturbance. If you continue to disturb the meeting, then you may be removed.

The rules around excluding the public from meetings are set out in sections 15.10 of the constitution.

The Council's obligations to broadcast meetings of the Council are set out in section 4.32 of the constitution.

The rules around disturbance by members of the public are set out in section 4.30 of the constitution.

Can I observe other meetings?

Yes, members of the public can come to observe any meeting which the Council has resolved should be held in public.

Your right to attend meetings of the Council's Cabinet, the council's committees and other bodies are described in section 15.3 of the constitution.

Can I speak at a meeting?

Members of the public can speak at any meeting which the Council has resolved should include participation by members of the public.

Can I ask a question at a meeting?

You can ask formal questions of members of the Cabinet at meetings of the Full Council.

However, you may only ask a question if you have given the designated officer (also called the “proper officer”), who is often the Monitoring Officer notice in writing (including by email) that you wish to raise a question in advance of the meeting taking place.

You may only ask one question, but if you cannot attend the meeting then you may nominate someone to attend the meeting and ask the question on your behalf.

Time for questions is limited, and questions are permitted in the order in which they were notified to the proper officer, who is often the Monitoring Officer. If time for questions runs out before you are able to ask your question, then you will be provided with a written answer to your question instead.

You can read more about asking a question in section 4.18 of the constitution.

How can I find out what the Council decided?

The Council publishes the agenda, reports and the minutes of meetings once they have been agreed. These papers are available for inspection by the public for a minimum of six years from the date of the meeting. The background papers are available to the public for at least four years. You may also be able to view webcast recordings of many meetings.

The Council also has arrangements in place for publishing written records of decisions taken by the Cabinet and the Council’s committees and other bodies.

You can read about the Council’s arrangements for publishing minutes of meetings in section 15.7 of the constitution.

You can read about the Council’s arrangements for publishing a written record of decisions taken by the Cabinet, the Council’s committees and individual members of the Cabinet in section 15.15 of the constitution.

You can read meeting minutes, reports and agendas on the Council’s website.

Can I view the Council’s accounts to understand how my council tax is spent?

Yes. The Council is required to publish its accounts and to make them available for inspection by the public. You may raise questions of concerns about the Council’s accounts with the Council or with the Council’s extremal auditor.

You can find out more about how to view and comment on the Council’s accounts in sections 3.1.1 of the constitution.

Appendix 3

A GUIDE TO THE CONSTITUTION OF BRIDGEND COUNTY BOROUGH COUNCIL

CONTENTS	WHAT IT DOES….
SECTION 1 – Introduction	This sets the scene for what the Constitution is, and how it operates. It contains brief notes about the Constitution and how the Council operates.
SECTION 2 – Purpose, Definition, Interpretation and Amendment of the Constitution	Establishes the primacy of the Constitution, and sets out its purpose.
SECTION 3 – Getting information and Getting involved	Sets out how citizens of Bridgend can interact with the Council.
SECTION 4 – Full Council	Defines the roles and decisions which are reserved to Full Council, and the types of meetings Council can have.
SECTIONS 5 AND 6 – Cabinet and the Leader	Defines the role of the Executive, its decision making powers, and deals with appointments to, and removal from, the Executive.
SECTION 7 – Overview and Scrutiny Committees	Defines the scope and work of the Overview and Scrutiny committees.
SECTION 8 – Standards Committee	Defines the scope and work of the Standards Committee, and sets out its composition and terms of reference.
SECTION 9 – Regulatory Committees	Allows the Council to establish other committees.

SECTIONS 10 AND 11 – Joint Committees and Corporate Joint Committees	Allows the Council to form joint arrangements with other authorities or other bodies.
SECTION 12 – Officers	Establishes the primacy of the Chief Executive, and defines the roles and responsibilities of the Monitoring Officer and Chief Finance Officer. Provides the Senior Management Structure. Establishes the rules for the recruitment and dismissal of officers.
SECTION 13 – Finance, Contracts and Legal Matters	Establishes the basis for the Council's Standing Orders and the execution of documents.
SECTION 14 – Responsibility for Functions	Sets the parameters for, and principles of, decision making in the Council and provides guidance on the types of decisions to be recorded under Regulations.
SECTION 15 – Access to Information Rules	Establishes the rules for the publication or withholding of information.
SECTION 16 – Budget and Policy Framework Procedure Rules	Establishes the rules for the annual budget setting process, and for in-year changes to the budget.
SECTION 17 – Financial Procedure Rules	Incorporates the Bridgend County Borough Council Financial Procedure Rules as part of the Constitution.
SECTION 18 – Contract Procedure Rules	Incorporates the Bridgend County Borough Council Contract Procedure Rules as part of the Constitution.
SECTION 19 – Code of Conduct for Members	Sets the standards for Member conduct towards Citizens, Officers and Members.
SECTION 20 – Officers' Code of Conduct	Sets the standards for Officer conduct and neutrality, and limits on outside working.
SECTION 21 – Protocol on Member / Officer Relations	Provides guidance on the interaction between Members and Officers, and their respective roles.

SECTION 22 – Member Role Descriptions	Sets out role descriptions and person specifications.

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Appendix 4

Democratic Services Committee Working Group

This appendix summarises the issues identified through discussions from the Working Group and sets out a series of recommendations arising from the Group for consideration by Cabinet and Council as a means of improving the Council's good governance regime.

Section 2

2.1.5 – "The purpose of the Constitution is to create a powerful and effective means of holding decision makers to public account".

A Member of the Group wished to make this more explicit, by what means are decision makers held to account.

Section 3

Getting Information and Getting Involved.

The Group queried how the public can get more involved without having to look in the constitution. The Group Manager Legal and Democratic Services advised that under the new legislation the Council is required to have a Public Participation Strategy. Members welcomed this and asked for it to come to the Democratic Services Committee as a future item. It was suggested that social media is also used to make the public aware of the constitution guide / read easy avenues and public involvement.

Section 4

A query was raised regarding 4.6.12 and appointing representatives to outside bodies. The Group Manager advised that a report was presented to Cabinet following the Annual Meeting outlining the representatives appointed to outside bodies.

Clarification was sought in relation to 4.6.18 *"considering Chief Executive reports prepared pursuant to section 54(2(b) of the Local Government and Elections (Wales) Act 2021"*. The Group Manager advised that this relates to the Council's arrangements in relation to financial planning, asset management, risk management and staffing.

4.23 State of the County Borough Debate: following clarification from the Group Manager it was confirmed that such debates will continue.

Section 5

5.13 – Job Sharing by Executive Leaders and Executive Members.

The Group queried whether both Members can then attend meetings. The Group Manager advised that where any meeting is attended by more than one of the members who share the same office, they together count only as one person for the purpose of determining whether the meeting is quorate and they will have one vote between them on any matter which they have a right to vote.

Proposed amendments to the draft constitution

4.31 – Filming and Use of Social Media During Meetings

Members expressed concern regarding the use of filming and social media during committee meetings. It was felt that there was no reason to film during a meeting as the proceedings

are now available via webcast or streamlined live in the case of full Council. They proposed that 4.31 therefore be amended as follows:

Draft constitution	Proposed wording
"Filming and the use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting".	***"Filming is not permitted and the use of social media is discouraged during meetings to ensure there is no disturbance to the conduct of the meeting".***

4.19 Questions by Members

Supplementary Question

The Group noted that the draft constitution only allows one supplementary question from the Member asking a question. It was proposed that any one other Member should be allowed to ask one supplementary question without notice arising directly out of the original question or reply and the Mayor will invite the questioner.

It is proposed that an insertion be added at 4.19.9 as follows:

Draft constitution	Proposed wording
"A member asking a question under Rule 4.19.2 or 4.19.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply".	***"A member asking a question under Rule 4.19.2 or 4.19.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. Any one Member may ask one supplementary question without notice, of the Member to whom the first question was asked".***

4.19.6 Order of Questions

The Group expressed concerns regarding the current arrangements where questions are asked in the order notice of them was received and considered whether efficiencies could be made. The Group were committed to ensuring fairness and inclusivity were at the forefront in the process and noted the research undertaken by the Democratic Services Manager into the submission of Questions on Notice amongst neighbouring local authorities and practices varying.

The Group proposed that the allocation should be based on political balance calculations but a point of ambiguity was noted that solo Independent councillors who do not sit in a political group recognised by Council would be excluded and then not entitled to ask questions. It was therefore recommended that solo Independent Members also be allocated a question.

It is proposed that 4.19.6 be amended to:

Draft constitution	Proposed wording
"Questions of which notice has been given under Rule 4.19.2 or 4.19.3 will be listed on the agenda in the order determined by the Mayor of the Council, committee or sub-committee".	***"Questions of which notice has been given under Rule 4.19.2 or 4.19.3 will be listed on the agenda in order of political groups in proportion to their representation on the Council followed by those Members who are not members of any political group recognised by the Council.*** ***In the first round, each political group shall be entitled to ask one question. Any Members who are not members of a political group recognised by the Council shall be entitled to ask one question each (in the order notice of them was received).*** ***This order will continue for subsequent rounds".***

4.19.8 Response

The Working Group requested that replies to written Questions remain and be sent electronically to Members the day prior to the meeting of full Council to give Members sufficient time to prepare supplementary questions. The replies are then recorded in the minutes of that Council meeting so that members of the public have access to the reply.

The Group therefore proposed that 4.19.8 be amended to reflect the current Constitution:

Draft constitution	Proposed wording
" An answer may take the form of: (a) a direct oral answer at the meeting; (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or (c) where the reply cannot conveniently be given orally, a written answer circulated within ten working days to the questioner".	***"A written answer to the question shall be made available by 5:00pm the day before the meeting and shall be made available to the public. The written answer may be read out in the order under Rule 4.19.6".***

Constitution Guide

The Group welcomed the Guide as it provides an overview of the Constitution and explains key sections in clear and simple language. The Group recommended that it should also be posted on social media with the aim of making it easier for members of the public to understand how local government functions.

Minor "cosmetic" amendments were proposed to the Guide:

Page 11

- Outside bodies – worth cross referencing 4.10.2 to show the list of outside bodies.
- Make mention of the Modern Gov app / website as a way of accessing meeting papers.

Page 13

- Reiterate use of Modern Gov as a tool for accessing minutes etc.

Page 14

- Make mention of the various Cabinet Committees (e.g. Corporate Parenting).

Page 16

- Brief outline of which subject areas each Overview and Scrutiny Committee covers.

Page 18

- Brief explanation of the difference between the Licensing Committee and the Licensing Act 2003 Committee.

Page 19

- Brief mention of the Appointments Committee, Town and Community Council Forum and Appeals Panel.

Page 25

- Worth clarifying that Assistants to the Executive have to be serving councillors themselves.

Page 36

- Further detail about how members of the public can directly ask a committee / Council to look into a particular issue, and also being able to do so through their local councillor, or any other councillor.

Page 37

- List those meetings which allow members of the public to speak (e.g. Development Control Committee), and how they should go about arranging.

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER - LEGAL AND REGULATORY SERVICES, HR, AND CORPORATE POLICY

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

1. Purpose of report

1.1 The purpose of this report is to seek approval to put interim arrangements in place for the council's contract for the provision of temporary workers and suspend the revelevant parts of the Council's Contract Procedure Rules (CPRs) with regards to the requirement to re-tender the contract detailed in this 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 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 Temporary workers provide the council with key skills and experience in a variety of circumstances where it is not possible to recruit on a permanent basis. This may be because of a skill shortage in the market, an urgent need to cover a position on a temporary basis, due to a planned or unplanned absence, seasonal demand, or short-term funding.

3.2 Ideally, agency engagement will follow an attempt to recruit direct to the council's workforce, albeit this is not always possible. Temporary workers provide valuable and often essential capacity to the council's workforce.

3.3 The current call off contract with Pertemps via the National Procurement Service (NPS) Framework Agreement to Supply of Temporary Workers (NPS-PSU-0088-18), (excluding schools) expires 10 November 2022 and there are no further extension periods available.

3.4 This is a Master Vendor Service Provider (MVSP) which sets out to provide no more than 80% of the portfolio of workers from its own resource pool and group companies, and the remaining balance from tier providers.

3.5 In cases where Pertemps are unable to meet service requirement, due to lack of required specialist availability, then alternative agency suppliers will be considered, and the relevant service is responsible for managing the contract with the agency provider.

4. Current situation/proposal

4.1 Welsh Government are 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 increasing requirement for agency workers in some areas.

4.2 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 is required. A period of up to 18 months, subject to review, will also enable the council to explore specific professional frameworks in addition to the NPS framework and take account of any other national developments on the agency worker procurement.

4.3 To ensure continuity and knowledge of the existing provider, 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 the contract to the current provider based on current contractual arrangements until 10 May 2024, with an option for six-monthly reviews to provide maximum flexibility.

4.4 Cabinet needs to be aware that in agreeing the proposed extension of the existing contract with the current service provider the Council will be 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 the award of a contract without any competition. This proposal breaches the requirements of the Public Contract Regulations 2015 and requires Cabinet's approval to set aside the requirements of 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.

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

7.1 This report contributes to the following goals within the Well-being of Future Generations (Wales) Act 2015:

A prosperous Wales
A resilient Wales
A globally responsive Wales

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

Involvement	Feedback from colleagues in Finance, Procurement, Human Resources and NPS have contributed to this report.
Long term	To improve the council's ability to engage experienced workers to meet service demands, whilst longer term solutions are underway such as international recruitment and grow our own schemes.
Prevention	To ensure there is sufficient workforce capacity, with appropriate qualifications and checks in place across the organisation to support the employed workforce to deliver council well-being objectives.
Integration	To provide agency workers with appropriate induction and on the job training so they can make a meaningful contribution, and in some cases become part of the council's employed workforce.
Collaboration	Collaborating through Welsh Government in the use of the NPS framework

8. Financial implications

8.1 Based on the current average monthly cost for agency worker provision via Pertemps, the estimated value of the contract for the 18-month period 11 November 2022 to 10 May 2024 is £2,490,737.

8.2 Separate arrangements have been made with Pertemps, via a tiered supplier, to provide social workers in Children's services, and the cost for the period 11 November 2022 to 31 March 2023, is estimated at £649,000. Options beyond this date are currently being considered.

9. Recommendations

9.1 It is recommended that Cabinet:

- approves the continuance of the supply of temporary workers, to allow for a full review and a fully compliant 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 Human Resources and Organisational Development to enter a contract for the Supply of Temporary Workers until 10th May 2024.

Kelly Watson
Chief Officer Legal and Regulatory Services, HR and Corporate Policy
October 2022

Contact officer:	Debra Beeke Group Manager – HR & OD
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Backdown documents: None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER - LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

CABINET, COUNCIL AND OVERVIEW AND SCRUTINY FORWARD WORK PROGRAMMES

1. Purpose of report

1.1 The purpose of this report is to seek 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.

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** – 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 Constitution, the Forward Work Programme will be prepared by the Monitoring Officer to cover a period of four months except when ordinary elections of councillors occur.

3.2 The Forward Work Programme will contain matters which the Cabinet, Overview and Scrutiny Committees and full Council are likely to consider. It will contain information on:

(a) the timetable for considering the Budget and any plans, policies or strategies forming part of the Policy Framework and requiring Council approval, and which body is to consider them;

(b) the timetable for considering any plans, policies or strategies which are the responsibility of the Cabinet;

(c) the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

4. Current situation/proposal

4.1 The proposed Forward Work Programmes are appended as follows:

- Cabinet 1 November 2022 to 28 February 2023 - **Appendix 1**
- Council 1 November 2022 to 28 February 2023 - **Appendix 2**
- Overview and Scrutiny Committees 1 November 2022 to 28 February 2023 - **Appendix 3**

4.2 Following consideration by Cabinet, the Forward Work Programmes will be published on the Council's website.

5. Effect upon policy framework and procedure rules

5.1 There is no effect on the policy framework and 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 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 will be a translation cost of approximately £60 for each quarterly update of the Forward Work Programme, to be met from within the Democratic Services' existing budget.

9. Recommendations

9.1 Cabinet is recommended to:

- Approve the Cabinet Forward Work Programme for the period 1 November 2022 to 28 February 2023 at **Appendix 1**;
- Note 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.

Kelly Watson
Chief Officer Legal and Regulatory Services, HR and Corporate Policy
October 2022

Contact Officer: Mark Anthony Galvin -
Senior Democratic Services Officer - Committees

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Chief Executives Directorate
Level 4
Civic Offices

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Background documents: None

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CABINET FORWARD WORK PROGRAMME - 1 NOVEMBER 2022 TO 28 FEBRUARY 2023

Date	Title of Report	Contact Officer
15 Nov	Treasury Management Half Year Report 2022-23	Carys Lord Chief Officer – Finance Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk
15 Nov	Homelessness Strategy	Carys Lord Chief Officer – Finance Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk
15 Nov	Ewenny Road Masterplan and Disposal	Janine Nightingale Corporate Director Communities Tel: 01656 643241 Email: Janine.nightingale@bridgend.gov.uk

Date	Title of Report	Contact Officer
15 Nov	Appointment of Local Authority Governors	Lindsay Harvey Corporate Director – Education and Family Support Tel: 01656 642612 Email: Lindsay.harvey@bridgend.gov.uk
15 Nov	Air Quality Annual Progress Report	Kelly Watson Chief Officer, Legal and Regulatory Services, HR and Corporate Policy Tel: 01656 643248 Email: Kelly.watson@bridgend.gov.uk
15 Nov	Annual Report – Social Services Representations and Complaints	Claire Marchant Corporate Director Social Services and Wellbeing Tel: 01656 643241 Email: Claire.Marchant@bridgend.gov.uk
13 Dec	Outcome of the Consultation 'Fit for the Future'	Carys Lord Chief Officer – Finance Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk

Date	Title of Report	Contact Officer
13 Dec	Appointment of Local Authority Governors	Lindsay Harvey Corporate Director – Education and Family Support Tel: 01656 642612 Email: Lindsay.harvey@bridgend.gov.uk
17 Jan	Treasury Management - Quarter 3 2022-23	Carys Lord Chief Officer – Finance Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk
17 Jan	Draft Medium Term Financial Strategy 2023-24 to 2026-27	Carys Lord Chief Officer – Finance Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk
17 Jan	Budget Monitoring 2022-23 – Quarter 3 Revenue Forecast	Carys Lord Chief Officer – Finance Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk

Date	Title of Report	Contact Officer
17 Jan	Capital Programme Update - Quarter 3 2022-23	Carys Lord Chief Officer – Finance Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk
17 Jan	Regulation of Investigatory Powers Act (RIPA)	Kelly Watson Chief Officer, Legal and Regulatory Services, HR and Corporate Policy Tel: 01656 643248 Email: Kelly.watson@bridgend.gov.uk
7 Feb	Medium Term Financial Strategy 2023-24 to 2026-27 and Draft Budget Consultation Process	Carys Lord Chief Officer – Finance Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk
21 Feb (Budget meeting)	Corporate Plan 2023-2028	Carys Lord Chief Officer – Finance Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk

Date	Title of Report	Contact Officer
21 Feb (“ “)	**Medium Term Financial Strategy (MTFS) 2023-24 to 2026-27**	**Carys Lord** **Chief Officer – Finance Performance and Change** **Tel: 01656 643302** **Email: Carys.Lord@bridgend.gov.uk**
21 Feb (“ “)	**Capital Strategy and Treasury Management Strategy 2023-24 Onwards**	**Carys Lord** **Chief Officer – Finance Performance and Change** **Tel: 01656 643302** **Email: Carys.Lord@bridgend.gov.uk**

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COUNCIL FORWARD WORK PROGRAMME - 1 NOVEMBER 2022 TO 28 FEBRUARY 2022

Date	Title of Report	Contact Officer
16 Nov	Treasury Management Half Year Report 2022-23	Carys Lord Chief Officer - Finance, Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk
16 Nov	Council Tax Base 2023-24	Carys Lord Chief Officer - Finance, Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk
14 Dec	Audited Statement of Accounts 2021-22	Carys Lord Chief Officer - Finance, Performance and Change Tel: 01656 643302 Email: Carys.Lord@bridgend.gov.uk

Date	Title of Report	Contact Officer
18 Jan	**Capital Programme Update – Quarter 3 2022-23**	**Carys Lord** **Chief Officer - Finance, Performance and Change** **Tel: 01656 643302** **Email: Carys.Lord@bridgend.gov.uk**
18 Jan	**Council Tax Reduction Scheme 2023-2024**	**Carys Lord** **Chief Officer - Finance, Performance and Change** **Tel: 01656 643302** **Email: Carys.Lord@bridgend.gov.uk**

APPENDIX 3

OVERVIEW AND SCRUTINY FORWARD WORK PROGRAMME – 1 NOVEMBER 2022 – 28 FEBRUARY 2023

Date	Title of Report	Scrutiny Committee	Contact Officer
15 Dec 22	- **Q2 Performance Report 2022-23** - **Draft Medium Term Financial Strategy 2022-23 to 2025-26 and Budget Proposals *** (* As the Budget Settlement is likely to be received late as in recent years, the scrutiny of the Draft MTFS and Budget Proposals will need to be moved to a meeting date to be convened after Cabinet in January 2023, following announcement at Council.)	**Corporate Overview and Scrutiny Committee**	**Carys Lord** **Chief Officer - Finance, Performance and Change** **Tel: 01656 643302** **Email:** **Carys.Lord@bridgend.gov.uk**
31 Jan 23	- **Scrutiny Recommendations on Medium Term Financial Strategy 2023-24 to 2026-27 and Draft Budget Consultation Process** - **New Corporate Plan 2023-2028** - **Capital Strategy 2023-24 onwards** - **Budget Monitoring 2022-23 – Quarter 3 Revenue Forecast**	**Corporate Overview and Scrutiny Committee**	**Carys Lord** **Chief Officer - Finance, Performance and Change** **Tel: 01656 643302** **Email:** **Carys.Lord@bridgend.gov.uk**

TBC	- **Homelessness, Housing and Empty Properties to include the partnership approach between Housing and RSLs, void levels and plans to address them in order to assist with the availability of properties, and the number of people in temporary accommodation.** - **Progress on the Performance of Disabled Facilities Grants, including feedback on the support arrangements provided by Neath Port Talbot due to end at the end of 2022.** - **Cost of Living Payment Scheme – once concluded a report on the operational delivery of the scheme / lessons learnt.**	**Corporate Overview and Scrutiny Committee**	**Carys Lord** **Chief Officer - Finance, Performance and Change** **Tel: 01656 643302** **Email: Carys.Lord@bridgend.gov.uk**
TBC	- **Workforce, Recruitment and Retention.**		**Kelly Watson** **Chief Officer, Legal and Regulatory Services, HR and Corporate Policy** **Tel: 01656 643248** **Email: Kelly.watson@bridgend.gov.uk**

1 Dec 22	- **Welsh in Education Strategic Plan (WESP)** - **Medium Term Financial Strategy 2022-23 to 2025-26 and Inflationary Pressures *** (* As the Budget Settlement is likely to be received late as in recent years, the scrutiny of the Draft MTFS and Budget Proposals will need to be moved to the meeting on 19 January 2023)	**Subject Overview and Scrutiny Committee 1**	**Lindsay Harvey** **Corporate Director – Education and Family Support** **Tel: 01656 642612** **Email: Lindsay.harvey@bridgend.gov.uk** **Carys Lord** **Chief Officer - Finance, Performance and Change** **Tel: 01656 643302** **Email: Carys.Lord@bridgend.gov.uk**
19 Jan 23	- **Curriculum for Wales and the New Framework for Evaluation, Improvement and Accountability**	**Subject Overview and Scrutiny Committee 1**	**Lindsay Harvey** **Corporate Director – Education and Family Support** **Tel: 01656 642612** **Email: Lindsay.harvey@bridgend.gov.uk**

TBC	- **Upgrading of older school facilities that are not being replaced under School Modernisation and improving their energy efficiency in line with the 2030 Decarbonisation Agenda.** - **English Language Schools' catchment areas/capacity.**	**Subject Overview and Scrutiny Committee 1**	**Lindsay Harvey** **Corporate Director – Education and Family Support** **Tel: 01656 642612** **Email: Lindsay.harvey@bridgend.gov.uk**
3 Nov 22	- **Care Inspectorate Wales (CIW) Performance Evaluation Report of Childrens Social Care Services 23 - 27 May 2022** - **Annual Report - Safeguarding of Children and Adults**	**Subject Overview and Scrutiny Committee 2**	**Claire Marchant** **Corporate Director Social Services & Wellbeing** **Tel: 01656 643248** **Email: Claire.marchant@bridgend.gov.uk**
8 Dec 22	**- Draft Medium Term Financial Strategy 2022-23 to 2025-26 and Budget Proposals *** (* As the Budget Settlement is likely to be received late as in recent years, the scrutiny of the Draft MTFS and Budget Proposals will need to be moved to a meeting date to be convened after Cabinet in January 2023, following announcement at Council.)	**Subject Overview and Scrutiny Committee 2**	**Carys Lord** **Chief Officer - Finance, Performance and Change** **Tel: 01656 643302** **Email: Carys.Lord@bridgend.gov.uk**

	- **Learning Disabilities Action Plan** - **Early Intervention to Reduce Care Experienced Children and Key Pressures including Information, Advice and Assistance (IAA), Early Help and Edge of Care** - **Summary of Adult Services Inspection Reports**		**Claire Marchant** **Corporate Director Social Services & Wellbeing** **Tel: 01656 643248** **Email: Claire.marchant@bridgend.gov.uk**
16 Feb 23	- **Integrated Working with Cwm Taf University Health** - **Delays in Adult Social Care Packages** - **Support for Young Carers and Adult Carers**	**Subject Overview and Scrutiny Committee 2**	**Claire Marchant** **Corporate Director Social Services & Wellbeing** **Tel: 01656 643248** **Email: Claire.marchant@bridgend.gov.uk**
TBC	- **Post 18 Housing and Financial Support for Care Experienced Children**	**Subject Overview and Scrutiny Committee 2**	**Claire Marchant** **Corporate Director Social Services & Wellbeing** **Tel: 01656 643248** **Email: Claire.marchant@bridgend.gov.uk**

14 Nov 22	- **TBC**	**Subject Overview and Scrutiny Committee 3**	
12 Dec 22	- **Draft Medium Term Financial Strategy 2022- 23 to 2025-26 and Budget Proposals *** (* As the Budget Settlement is likely to be received late as in recent years, the scrutiny of the Draft MTFS and Budget Proposals will need to be moved to a meeting date to be convened after Cabinet in January 2023, following announcement at Council.)	**Subject Overview and Scrutiny Committee 3**	**Carys Lord** **Chief Officer - Finance, Performance and Change** **Tel: 01656 643302** **Email: Carys.Lord@bridgend.gov.uk**
	- **Corporate Joint Committees Regional Responsibilities**		**Janine Nightingale** **Corporate Director, Communities** **Tel: 01656 643179** **Email: Janine.Nightingale@bridgend.gov.uk**
20 Feb 23	- **A report upon Porthcawl Regeneration to include Porthcawl Regeneration projects, the PRIF (Porthcawl Resort Investment Focus), Cosy Corner and the Grand Pavilion.**	**Subject Overview and Scrutiny Committee 3**	**Janine Nightingale** **Corporate Director, Communities** **Tel: 01656 643179** **Email: Janine.Nightingale@bridgend.gov.uk**

TBC	- **A cross cutting joint report upon accessible playground equipment in paly areas and access to play areas, parks and playing field pavilions, for the disabled community across the County Borough, and the latest Assessment and Action Plan in accordance with Equalities legislation.**	**Subject Overview and Scrutiny Committee 3**	**Janine Nightingale** **Corporate Director, Communities** **Tel: 01656 643179** **Email: Janine.Nightingale@bridgend.gov.uk** **and** **Claire Marchant** **Corporate Director Social Services & Wellbeing** **Tel: 01656 643248** **Email: Claire.marchant@bridgend.gov.uk** **and** **Lindsay Harvey** **Corporate Director – Education and Family Support** **Tel: 01656 642612** **Email: Lindsay.harvey@bridgend.gov.uk**

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER - LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

INFORMATION REPORT FOR NOTING

1. Purpose of report

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

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** – 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.

3. Background

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

4. Current situation/proposal

4.1 Information Report

The following Information Report has been published since the last meeting of Cabinet:-

Title	Date Published
Ombudsman Annual Letter 2021 - 2022	12 October 2022

4.2 Availability of Document

The document has been circulated to Elected Members electronically via Email and placed on the Bridgend County Borough Council website. They are available from the above date of publication.

5. Effect upon policy framework and procedure rules

5.1 This procedure has been adopted within the procedure rules of the Constitution.

6. Equality 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.

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. Recommendation

9.1 That Cabinet acknowledges the publication of the document listed in this report.

K Watson
Chief Officer Legal and Regulatory Services, HR and Corporate Policy
12 October 2022

Contact Officer: **Mark Galvin**
Senior Democratic Services Officer - Committees

Telephone: **(01656) 643147**

Chief Executives Directorate,
Bridgend County Borough Council,
Civic Offices,
Angel Street,
Bridgend

Email: **cabinet_committee@bridgend.gov.uk**

Background documents: None.

BRIDGEND COUNTY BOROUGH COUNCIL

INFORMATION REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HUMAN RESOURCES AND CORPORATE POLICY

OMBUDSMAN ANNUAL LETTER 2021 - 2022

1. Purpose of report

1.1 The purpose of this report is to present the Ombudsman's Annual Letter for 2021-2022 to Cabinet.

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**:-

1. **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 Public Service Ombudsman for Wales (PSOW) is independent of all government bodies and has legal powers to investigate complaints about public services and independent care providers in Wales. They also investigate complaints that Members of local government bodies have breached their authority's Code of Conduct.

3.2 The PSOW reports annually on the number of complaints against public bodies received by its office.

3.3 The Complaints Officer is the Contact Officer for the PSOW and the Monitoring Officer is responsible for liaising with the PSOW regarding Member Code of Conduct complaints.

4. Current situation/proposal

4.1 **Appendix A** provides the Ombudsman's Annual Letter for 2021-2022.

4.2 The number of complaints against the Authority for the period 2021–2022 was 55 compared with 31 in 2020-2021. The Ombudsman in his Annual Letter suggests that complaints about public bodies were suppressed during the pandemic and then came through in greater numbers. The figure for 2021-22 represents 0.37 complaints received per 1000 residents. The PSOW intervened in 7 of these cases, one complaint proceeded to investigation and was upheld. 9 cases were out of jurisdiction, 22 were premature, 16 were closed after initial consideration, and 5

were settled by working with the Ombudsman to agree an early resolution. Children's Social Services and Education attracted the largest number of complaints at 8 apiece.

4.3 9 Code of Conduct complaints against the Authority's Councillors were received by the Ombudsman's Office in this period 1 of which was discontinued, 1 referred to the Adjudication Panel and in 7 cases no evidence of a breach of the Code of Conduct was found. 21 Code of Conduct complaints were received against Town and Community Councils in Bridgend County none of which were referred to the Standards Committee, 7 of which were discontinued, and in 14 cases no evidence of a breach of the code was found.

4.4 The Complaints Standards Authority has this year published the first datasets on complaints handled by local authorities which show that over 15,000 complaints were handled by local authorities. These datasets are published on the Ombudsman's website and on the Council's website.

5. Effect upon policy framework and procedure rules

5.1 There is no effect upon the policy framework or the 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 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for noting only, 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 PSOW has the legal power to require authorities to make payments to complainants where they have suffered financial loss or in compensation for distress and inconvenience. Any payments are met from existing budgets. The Council was required to make one payment in 2021-22. Prior to this the last payment was made in 2016/17.

9. Recommendation

9.1 Cabinet is recommended to note the Annual Letter attached as **Appendix A.**

Kelly Watson

Chief Officer, Legal and Regulatory Services, Human Resources and Corporate Policy and Monitoring Officer

10 August 2022

Contact officer: Charlotte Branford
Information and Data Protection Officer

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Email: Charlotte.Branford@bridgend.gov.uk

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

Background documents: None

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Ombwdsmon Ombudsman
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU
PUBLIC SERVICES OMBUDSMAN FOR WALES

Ask for: Communications

01656 641150

communications@ombudsman.wales

Date: August 2022

Cllr. Huw David
Bridgend County Borough Council
By Email only: cllr.huw.david@bridgend.gov.uk

Annual Letter 2021/22

Dear Councillor David

I am pleased to provide you with the Annual letter (2021/22) for Bridgend County Borough Council which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services

This is my first annual letter since taking up the role of Public Services Ombudsman in April 2022, and I appreciate that the effects of the pandemic are still being felt by all public bodies in Wales. Our office has not been immune from this, with records numbers of cases being referred to us over the last two years. The strong working relationships between my Office and local authorities continues to deliver improvements in how we are dealing with complaints and ensuring that, when things go wrong, we are learning from that and building stronger public services.

Complaints relating to Maladministration & Service Failure

Last year the number of complaints referred to us regarding Local Authorities increased by 47% (compared to 20/21 figures) and are now well above pre-pandemic levels. It is likely that complaints to my office, and public services in general, were suppressed during the pandemic, and we are now starting to see the expected 'rebound' effect.

During this period, we intervened in (upheld, settled or resolved at an early stage) a similar proportion of complaints about public bodies, 18%, when compared with recent years. Intervention rates (where we have investigated complaints) for Local Authorities also remained at a similar level – 14% compared to 13% in recent years.

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Complaints relating to the Code of Conduct for Councillors

We also received a high number of Code of Conduct complaints last year, relating to both Principal Councils and Town and Community Councils. A record number (20) were referred to either the Adjudication Panel for Wales or local standards committees, due to evidence of a breach of the Code.

Supporting improvement of public services

In addition to managing record levels of complaints, we also continued our work using our proactive powers in the Public Services Ombudsman (Wales) Act 2019. Specifically undertaking our first Own Initiative Investigation and continuing our work on the Complaints Standards Authority.

October 2021 saw the publication of the first own initiative investigation in Wales: Homelessness Reviewed. The investigation featured three Local Authorities and sought to scrutinise the way Homelessness assessments were conducted. The report made specific recommendations to the investigated authorities, as well as suggestions to all other Local Authorities in Wales and Welsh Government. Some of these recommendations will bring about immediate change – updating factsheets and letter and assessment templates to ensure that key equality and human rights considerations are routinely embedded into processes for example – all the recommendations were designed to bring about tangible change to people using homelessness services in Wales.

The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year. The model complaints policy has already been adopted by local authorities and health boards in Wales, we have now extended this to an initial tranche of Housing Associations and Natural Resources Wales. The aim being to implement this work across the Welsh public sector.

In addition to this, the CSA published information on complaints handled by local authorities for the first time – a key achievement for this work. The data for 21/22 showed:

- Over 15,000 complaints were recorded by Local Authorities
- 4.88 for every 1000 residents.
- Nearly half (46%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 8% of all complaints closed ended up being referred to PSOW.

The CSA has now implemented a model complaints policy with nearly 50 public bodies, and delivered 140 training sessions, completely free of charge, during the last financial year. The feedback has been excellent, and the training has been very popular - so I would encourage Bridgend County Borough Council to engage as fully as possible.

Complaints made to the Ombudsman

A summary of the complaints of maladministration/service failure received relating to your Council is attached, along with a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

In light of the new duties on political leaders and standards committees to promote and maintain high standards of conduct of their members, we look forward to working with you, your Monitoring Officer and standards committees to share any learning from the complaints we receive and to support your authority's work.

I would also welcome feedback on your Governance & Audit Committee's review of your authority's ability to handle complaints effectively so that we can take this into account in our work and support its work on the handling of complaints.

Finally, can I thank you and your officials for the positive way that local authorities have engaged with my Office to enable us to deliver these achievements during what has been a challenging year for everyone. I very much look forward to continuing this work and collaboration to ensure we further improve public services across Wales.

Further to this letter can I ask that your Council takes the following actions:

- Present my Annual Letter to the Cabinet and to the Governance & Audit Committee to assist members in their scrutiny of the Council's performance and share any feedback from the Cabinet and the Governance & Audit Committee with my office.
- Continue to engage with our Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by 30 September.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,

MM. Morris.

Michelle Morris
Public Services Ombudsman
cc. Mark Shephard, Chief Executive, Bridgend County Borough Council.
By Email only: mark.shephard@bridgend.gov.uk

Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	14	0.20
Bridgend County Borough Council	55	0.37
Caerphilly County Borough Council	60	0.33
Cardiff Council*	182	0.50
Carmarthenshire County Council	54	0.29
Ceredigion County Council	52	0.72
Conwy County Borough Council	27	0.23
Denbighshire County Council	34	0.36
Flintshire County Council	99	0.63
Gwynedd Council	39	0.31
Isle of Anglesey County Council	29	0.41
Merthyr Tydfil County Borough Council	27	0.45
Monmouthshire County Council	20	0.21
Neath Port Talbot Council	45	0.31
Newport City Council	40	0.26
Pembrokeshire County Council	39	0.31
Powys County Council	55	0.42
Rhondda Cynon Taf County Borough Council	51	0.21
Swansea Council	71	0.29
Torfaen County Borough Council	18	0.19
Vale of Glamorgan Council	61	0.46
Wrexham County Borough Council	71	0.52
Total	**1143**	**0.36**

* inc 17 Rent Smart Wales

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Appendix B - Received by Subject

Bridgend County Borough Council	Complaints Received	% Share
Adult Social Services	5	9%
Benefits Administration	0	0%
Children's Social Services	8	15%
Community Facilities, Recreation and Leisure	2	4%
Complaints Handling	5	9%
Covid19	2	4%
Education	8	15%
Environment and Environmental Health	4	7%
Finance and Taxation	4	7%
Housing	6	11%
Licensing	1	2%
Planning and Building Control	6	11%
Roads and Transport	2	4%
Various Other	2	4%
Total	55	

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Appendix C - Complaint Outcomes
(* denotes intervention)

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/ voluntary settlement*	Discontinued	Other Reports- Not Upheld	Other Reports Upheld*	Public Interest Report*	Total
Bridgend County Borough Council	9	22	16	5	0	0	1	1	54
% Share	17%	41%	30%	9%	0%	0%	2%	2%	

Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	0	13	0%
Bridgend County Borough Council	7	54	13%
Caerphilly County Borough Council	7	58	12%
Cardiff Council	45	159	28%
Cardiff Council - Rent Smart Wales	1	16	6%
Carmarthenshire County Council	7	49	14%
Ceredigion County Council	13	46	28%
Conwy County Borough Council	2	24	8%
Denbighshire County Council	4	33	12%
Flintshire County Council	15	94	16%
Gwynedd Council	6	41	15%
Isle of Anglesey County Council	3	28	11%
Merthyr Tydfil County Borough Council	2	26	8%
Monmouthshire County Council	2	21	10%
Neath Port Talbot Council	5	45	11%
Newport City Council	4	36	11%
Pembrokeshire County Council	2	40	5%
Powys County Council	7	55	13%
Rhondda Cynon Taf County Borough Council	3	45	7%
Swansea Council	10	76	13%
Torfaen County Borough Council	2	20	10%
Vale of Glamorgan Council	9	62	15%
Wrexham County Borough Council	4	67	6%
Total	**160**	**1108**	**14%**

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Appendix E - Code of Conduct Complaints

County/County Borough Councils	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Bridgend County Borough Council	1	7	0	1	0	0	9

Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Bridgend Town Council	1	3	0	0	0	0	4
Coity Higher Community Council	0	2	0	0	0	0	2
Laleston Community Council	-	-	-	-	-	-	0
Llangynwyd Middle Community Council	-	-	-	-	-	-	0
Maesteg Town Council	5	1	0	0	0	0	6
Newcastle Higher Community Council	0	1	0	0	0	0	1
Pencoed Town Council	1	0	0	0	0	0	1
Porthcawl Town Council	0	7	0	0	0	0	7

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Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2021/2022. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2021/2022. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2021/2022. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2021/2022.This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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