

MINUTES OF A MEETING OF THE CABINET HELD HYBRID - COUNCIL CHAMBER/REMOETLY ON TUESDAY, 13 DECEMBER 2022 AT 14:30

Present

Councillor HJ David – Chairperson

JC Spanswick
HM Williams

N Farr
JPD Blundell

W R Goode

J Gebbie

Officers:

Alex Rawlin	Corporate Policy & Public Affairs Manager
Claire Marchant	Corporate Director Social Services and Wellbeing
Janine Nightingale	Corporate Director - Communities
Kelly Watson	Chief Officer Legal, HR and Regulatory Services
Mark Shephard	Chief Executive
Deborah Exton	Deputy Head of Finance
Mark Galvin	Senior Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support
Michael Pitman	Technical Support Officer – Democratic Services
Steven Howell	Group Manager Placements & Provider Services

88. DECLARATIONS OF INTEREST

There were no declarations of interest.

89. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of Cabinet dated 15 November 2022, were approved as a true and accurate record.

90. UPDATED FOSTERING ALLOWANCES POLICY

The Corporate Director – Social Services and Wellbeing submitted a report, that provided Cabinet with details of the updated Fostering Allowances Policy.

She advised that in March 2022 Bridgend County Borough Council's Fostering Services brought their new Fostering Financial Policy to Cabinet for approval, with approval also sought to delegate authority to the Head of Children's Social Care to implement the new policy.

During the implementation phase of the policy an administrative error was identified as reflected in paragraph 3.2 relating to Fostering Allowances. These discrepancies were highlighted in yellow in this section of the report.

The Corporate Director – Social Services and Wellbeing explained, that despite the above, no Foster Carer received an erroneous amount and the Policy was amended to include the correct financial information as set out in the report.

She proceeded to advise, that in July 2022 the Fostering Financial Policy was further updated to change the rates of allowance (following agreement at Cabinet) to award a 7% increase to the allowances paid to all Bridgend Foster Carers (which would be backdated to April 2022 and apply to the 2022/23 financial year) and the introduction of 2 weeks paid respite for all Foster Wales Bridgend Foster Carers.

Finally, the Corporate Director – Social Services and Wellbeing stated that the 7% increase to Foster Care Allowances agreed by Cabinet in July 2022 has now been paid

to Foster Carers, adding that the administrative error in the Policy was amended during the implementation period.

The Deputy Leader confirmed that Fostering in Bridgend was of a very high standard and she was really pleased to say that 'Becky and Pete' Foster Carers, had recently won an Excellence Award earlier this year.

She added that with an increase in Looked After Children, we needed more foster carers to come forward to support these young people.

The Corporate Director – Social Services and Wellbeing added that there had been an interest in the form of enquiries for foster caring, following a recent successful advertising campaign.

RESOLVED: (1) That Cabinet noted that the error in the Fostering Allowances Policy as set out in paragraph 3.3 of the report was amended and has been implemented.

(2) That Cabinet further noted that the Policy has been further amended for 2022/23 to include the 7% increase to Foster Care Allowances agreed by Cabinet in July 2022.

91. **APPOINTMENT OF LOCAL AUTHORITY GOVERNORS**

The Corporate Director – Education and Family Support presented a report, the purpose of which, was to seek approval from Cabinet for the appointment of the local authority governor to the school governing body listed at paragraph 4.1 (of the report).

He stated that in accordance with the Council's 'Guidance on the appointment of local education authority governors' approved by Cabinet on 14 October 2008, officers considered applications received for the current vacancy for the local authority governor position on the governing body of Ysgol Gymraeg Bro Ogwr.

There was competition for the vacancy and the two applicants were detailed in the table in the report.

The Corporate Director – Education and Family Support confirmed, that having given due regard to the strengths presented in the applications from both applicants, officers determined that the recommended appointment be Mr Ben Morgan.

The Cabinet Member – Education alerted Members and Officers to the fact that there were still a considerable number of School Governor vacancies as detailed in Appendix A to the report that required filling, so he asked them to share this fact with anyone who may be interested in becoming a governor at any of the schools where such vacancies existed.

RESOLVED: That Cabinet approved the appointment detailed at paragraph 4.3 of the report.

92. **PORTHCAWL WELSH-MEDIUM SEEDLING SCHOOL AND CHILDCARE**

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

- detail the outcome of the options appraisal process for the delivery of a Welsh-medium seedling school and childcare provision for the Porthcawl area; and

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- seek approval to consult on a proposal to establish a Welsh-medium seedling school and childcare provision for the Porthcawl area on land at the Porthcawl Primary School site.

By way of background, he advised that 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.

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.

The Corporate Director – Education and Family Support confirmed that Porthcawl was identified as one of the four 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. A successful funding bid was made to Welsh Government for such provision in certain areas of the County Borough, that included Porthcawl.

He proceeded by advising that, an options appraisal found that land on the existing Porthcawl Primary School site was the most suitable location to accommodate both a seedling school and childcare facility. To compensate for the land which will be used for the new facility, an all-weather pitch would be provided at Porthcawl Primary School.

The proposed seedling school is a 'starter class' with 30 full-time equivalent nursery places, and 30 Reception places, the Corporate Director – Education and Family Support explained.

It was planned that the seedling provision will be operated and governed by Ysgol y Ferch o'r Sgêr, and pupils would transition to that school at Year 1 to conclude their primary education; that is until a Welsh-medium primary school is established in Porthcawl as part of a future band of the school modernisation programme, which Cabinet previously approved in principle.

The proposed childcare facility will have capacity for 16 full-time (32 part-time) childcare places, together with 6 places for 0 to 2 provision offering full care from potentially birth to four years old. This included afterschool and holiday provision, to offer full wrap-around care via the medium of Welsh. It was planned that this facility will be operated by a private provider.

Porthcawl was previously identified as a key location that would benefit from Welsh-medium childcare provision. It was considered that such facilities would help support transition from childcare into Welsh-medium primary school education.

It was currently estimated that if the proposal progresses to completion, the new provision will open in January 2025.

The Cabinet Member – Education stated that it was really pleasing that this extremely exciting proposal was continuing to take steps forward. There is a strong Welsh language presence in Porthcawl, and this new seedling school will continue to reinforce the importance of the Welsh language in the County Borough as a whole.

He added that the proposal will have a positive impact on the amount of young people studying a Welsh-medium education in the area and crucially will also help to strengthen transition links.

The Cabinet Member – Regeneration asked if there would be car parking available at the school, to which the Corporate Director – Education and Family Support responded that a Full Transport Assessment would be undertaken in order to put in place that which was deemed suitable to minimise the impact of the development.

The Cabinet Member – Communities was pleased to see that an all-weather pitch would be provided at the school and hoped that this could be used by the wider community out of school time as well as for pupils there.

In response to a further question, the Corporate Director – Education and Family Support, confirmed that the new school would be targeting net zero carbon, in line with the Council's Carbon Neutral agenda.

The Leader concluded that there would also be a childcare facility at the school, which was pleasing to note.

RESOLVED: That Cabinet gave permission to consult on a proposal to establish a Welsh-Medium Seedling school and childcare provision for the Porthcawl area on land at the Porthcawl Primary School site.

93. **HOUSING (WALES) ACT 2014**

The Head of Partnership Services submitted a report, to highlight the changes made to Welsh Government homelessness legislation in respect of the new Priority Need category and to seek Cabinet approval in respect of applying the 'intentionality test' to that new category.

In accordance with legislation, he advised that the Housing (Wales) Act 2014 (The Act), places a duty on the Council to assist those who are threatened with homelessness within 56 days by taking all reasonable steps to prevent/relieve homelessness. The duty to prevent homelessness under the Act is irrespective of whether the applicant has a local connection to Bridgend or whether the applicant is intentionally homeless. Those that make a homeless application, but have no local connection, receive advice and assistance only from the Council unless, for example, they are fleeing violence/domestic abuse.

The Head of Partnership Services confirmed, that in the event that homelessness prevention was not successful, there was a duty to relieve the applicant's homelessness and to take all 'reasonable steps' to do so.

The Act also introduced changes in respect of how to apply the 'intentionality test'. Welsh Government removed the intentionality test for all families with children even if they are found to be intentionally homeless. There was a caveat to this he advised, in that it would only apply if they have not been found intentionally homeless in the last 5 years. The definition of intentionally homeless was outlined in paragraph 3.5 of the report.

Paragraph 3.6 of the report listed the different categories of what the Council considered as homeless under set criteria covered by legislation and/or agreed by Cabinet at a previous meeting.

The Head of Partnership Services further added that the Act also specified 10 categories of households who were to be considered priority need. Priority Need is considered for

the provision of temporary accommodation and the final homeless duty to secure permanent accommodation.

At the start of the Covid-19 Pandemic, Welsh Government (WG) introduced an 'All In' approach to homelessness and directed local authorities that no-one was to be without accommodation due to the public health imperative making everyone Priority Need. Therefore, the intentionality test was suspended to respond to the emergency situation at the time leading to greater numbers being provided with temporary accommodation in hotels, Air B+B's etc.

Whilst some households will not be considered to fall within a priority need group, they will still receive the same level of support albeit they will not be eligible for temporary accommodation.

The current changes implemented by WG have been made with a view to them reviewing the entire Act in the future and therefore it is proposed that the Council apply the intentionality definition to the new category of households 'Street Homeless' until such time as this takes place.

The Cabinet Member – Future Generations confirmed that even if individuals looked to become intentionally homeless, the Council with its partners, would still look after them and try to persuade them to secure some form of accommodation. This was not easy however, as some homeless people did not wish to be placed in accommodation. This situation was compounded by the fact that some of these people had very complex health issues/needs.

The Head of Partnerships confirmed that temporary accommodation was available for those on the streets and regular meetings were held with key stakeholders to ensure that those sleeping rough had somewhere to go, particularly in the weather we are now experiencing. There was also assistance from the Rough Sleepers Intervention Team to this end.

The Cabinet Member – Future Generations advised that anyone who had concerns regarding rough sleepers, could report these cases to StreetLink.

The Leader concluded the debate on this item, by reminding those present that 98.7% of people in society did not wish to make themselves intentionally homeless.

RESOLVED: That Cabinet approved that the Council applies the 'intentionality test' to the new category of households 'Street Homeless' and publishes its intent to do so in accordance with Welsh Government direction.

94. **CONTINUATION OF HOUSING SUPPORT SERVICES ON COITY ROAD**

The Chief Officer – Finance, Performance and Change, submitted a report, the purpose of which, was to seek approval from Cabinet to modify an existing contract in line with the Council's Contract Procedure Rules (CPRs), in order to allow for the continuation of housing related support services on Coity Road.

The Head of Partnership Services advised Cabinet, that following a procurement exercise in 2018, Bridgend County Borough Council (BCBC) currently has a contract in place with the Wallich, for the delivery of three housing related support projects located on Coity Road, Bridgend.

The contract BCBC has in place with the Wallich commenced on 1 April 2018 and expired on 31 March 2023. An option to extend the contract for a period of up to 24 months has been exercised with there being then no further option to extend.

He added that the current annual contract value was £358,170 and this was funded by BCBC's Housing Support Grant. The total value of the contract was £1,790,850.

The Head of Partnership Services reiterated, that with the current contract in place with the Wallich due to expire on 31 March 2023, in line with BCBC's Contract Procedure Rules (CPRs) a procurement exercise was required to ensure continued service provision on an ongoing basis.

On 1 December 2022 the Renting Homes (Wales) Act 2016 came into force and a future report to Cabinet will outline the wider implications of the Act, but it is clear there will be implications for providers of temporary and supported accommodation. Some of these were explained in the report.

It was proposed that the procurement process which will be required to secure continued provision on an ongoing basis, be delayed and the current contract in place with the Wallich be extended, whilst the implications of the Renting Homes (Wales) Act 2016, were fully understood.

The concern of a procurement process beginning now, in order to secure a new contract by the 1 April 2023, was that detail set out in a Service Specification at this stage could quickly become out of date by potential Welsh Government changes. In addition, explained the Head of Partnership Services, there would likely be greater interest in a tender process from prospective providers once the implications of the Act were fully understood.

He concluded the report by advising, that if Cabinet approves the proposed modification of the existing contract, a procurement process will be undertaken in line with BCBC's CPRs, in order to secure a new contract with a start date of 1 October 2023. To allow for a full procurement exercise to be undertaken including mobilisation of a new contract and consideration of TUPE, the process would begin around March 2023.

In terms of the report's financial implications, the Head of Partnership Services confirmed that the cost of the contract modification detailed at paragraph 4.9 of the report, was within 10% of the current overall contract value. The cost of the modification would be funded by BCBC's Housing Support Grant.

The Cabinet Member – Future Generations stressed the importance in BCBC understanding how the Act will change the current systems in place and the impact this will have on the sector, as there were unprecedented pressures with cases of homeless people. He hoped that we would have a procurement process in time, which ensures we have the best value for money in terms of support and an equal service to that which supports residents currently. He also commended the work of the Wallich in the support of the homeless.

The Leader asked if the Council could write to the Minister for Climate Change who is also responsible for Housing, in order to encourage Welsh Government to make any such policy changes as quickly as possible, so that we can progress the commissioning of the service in the not too distant future.

He also suggested that the three new local Ward Members be briefed on this issue, in order that they are able to understand the services being provided locally, as well as being aware of the support mechanisms that are in place.

RESOLVED: That Cabinet approved a modification in the form of a 6 month extension of the Contract BCBC has in place with the Wallich for the delivery of Housing Related Support Services on Coity Road.

95. **AMENDMENT TO THE CONTRACT PROCEDURE RULES**

The Chief Officer – Legal and Regulatory Services, HR and Corporate Policy presented a report, the purpose of which, was to:

- seek approval from Cabinet to amend the lower financial threshold for obtaining three quotations for works, goods and services from £5,000 to £10,000 within the Contract Procedure Rules to take effect from 1st January 2023;
- to recommend to Council an amendment to the Constitution to incorporate the revisions to the Contract Procedure Rules.

By way of background information, she confirmed that the Council is required to ensure the Contract Procedure Rules, which form part of the Council's Constitution, are reflective of current market pressures and are fit for purpose.

The Contract Procedure Rules also contains the rules and guidelines for procuring goods, services and works. They are designed to ensure compliance with UK law, ensure best practice is followed and best value is achieved in the use of public funds.

Turning to the present situation, the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy stated that in order to procure goods, services and works above £5,000 a service must obtain three quotes. This has proved to be unmanageable due to the volume of quotations across the Council, leading to delays on service delivery. There were several reasons for this which were outlined in the report, upon which she expanded.

The Chief Officer – Legal and Regulatory Services, HR and Corporate policy explained that a benchmarking exercise had shown that an increase to £10,000 for obtaining three quotations is in line with neighbouring councils and it was proposed that BCBC follow suit with this.

She referred Cabinet to a copy of the proposed amendments to the Contract Procedure Rules to this effect, shown via tracked changes at Appendix 1 to the report.

The Cabinet Member – Resources commended the report which would bring BCBC in line with other neighbouring authorities in terms of the increase in threshold and allow us to better face inflationary pressures.

The Leader sought reassurance that there would still be an audit trail in respect to procurement decisions that would be made, despite the proposed change to the Contract Procedure Rules.

The Chief Officer – Legal and Regulatory Services, HR and Corporate Policy reassured Members that there was still a process to follow, ie obtaining three quotes which will be arranged by the Business Support Team and approved by Management.

In response to a further question, she advised that a progress report on the Contract procedure Rules would be brought back to Cabinet in 6 months time.

She finally also confirmed that there were a few neighbouring authorities that obtained three quotations for works estimated at £15,000 and even upward of that.

RESOLVED:

That Cabinet:

- (i) Approved the change to the lower financial threshold from £5,000 to £10,000 for obtaining three quotations within the Contract Procedure Rules as shown at Appendix 1 to the report, to take effect from 1st January 2023;
- (ii) Recommended to Council an amendment to the Constitution to incorporate the revisions to the Contract Procedure Rules.

96. **CONSULTATION PROCESS FOR TRAFFIC REGULATION ORDERS**

The Corporate Director – Communities submitted a report, in order to seek the approval of Cabinet to adopt a revised procedure when consulting with local members, individuals and organisations and when giving public notice related to permanent Traffic Regulation Orders (TROs), in order to streamline the process going forward.

She explained that the Wales Transport Strategy 2021, published by the Welsh Government identified as one of its key priorities, to ‘change the default speed limit from 30mph to 20mph in built-up areas to reduce traffic related injuries and fatalities and make walking and cycling safer and more attractive’.

It was therefore proposed, that by enabling a much wider take up of 20mph limits, this would achieve significant road safety benefits, particularly in deprived neighbourhoods. In the longer term, reductions in the perception of road danger was expected to lead to more walking and cycling, which will improve public health and replace some short car journeys and assist further reductions in collisions and casualties. More walking and cycling was also likely to lead to greater social cohesion, which brings further societal and health benefits. Lower speeds would also lead to reductions in traffic noise, while impacts on air quality will be neutral at worst and journey time increases will be slight.

The Corporate Director – Communities further explained, that as part of the new legislation, a 20mph Task Force was created to work closely with Local Authorities to identify those roads which would be an exception to the legislation.

Bridgend County Borough Council have identified over 100 exceptions, all of which will require Traffic Regulation Orders (TRO's), either for the retention or amendments to speed limits. The deadline for the roll-out of the 20mph status for certain roads by Welsh Government was September next year

Outlined in paragraphs 4 of the report, was the consultation process generally to be undertaken prior to the statutory public notice stage and before a permanent TRO can be implemented. Dependent upon the size and scale of the TRO process, this may result in different engagement methods being undertaken, she explained. This section of the report also listed the statutory consultees the Council were required to engage with, that included local Members.

The remainder of the main body of the report went on to explain the legal process regarding the Council's statutory obligations when proposing to make a TRO, together with the process that has to be followed if there are any objections or appeals to such a proposal(s).

The Corporate Director – Communities, then finally explained the report's financial implications, ie that the costs for Authority sponsored Traffic Regulation Orders are either funded from within existing budgets, or from third parties. There were therefore no financial implications arising from the report's proposals.

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that the strategy should be adopted and the action plans detailed in it implemented, so that Bridgend Council can achieve net zero status by 2030.

By way of background, the report advised that in October 2018, the United Nations Intergovernmental Panel on Climate Change (IPCC) produced a report on the state of global warming. The report identified that a continued warming of global temperatures will significantly increase the likelihood and resulting impact of floods, droughts and extreme heat.

Welsh Government then declared a Climate Emergency in April 2019 and following this, the Welsh Government has now committed to achieving a carbon neutral public sector by 2030.

The Corporate Director – Communities reminded Cabinet, that in June 2020 Bridgend County Borough Council (BCBC) Cabinet approved a report that set out the crucial roles that BCBC has to play through the management of its own resources and assets and the way in which it works with and supports local residents, organisations and businesses to respond to the challenges set out in the IPCC report.

A target for Local Authorities in Wales to be net-zero carbon by 2030, is an ambition set by Welsh Government. In response, the Welsh Local Government Association (WLGA) with local government Leaders established a Decarbonisation Strategy Panel, supported by all 22 local authorities, Welsh Government, Natural Resources Wales (NRW) and Cardiff University.

Following appointment of the Carbon Trust to work with BCBC on the development of a Bridgend 2030 Net Zero Carbon Strategy, Officers had undertaken a number of proactive activities and these were listed in paragraph 3.8 of the report.

The final version of the Bridgend 2030 Net Zero Carbon Strategy was attached at Appendix 1 to the report. This had been developed following an in-depth review of data in line with the Welsh Public Sector Net Zero Carbon Reporting Guide and through engagement with internal and external stakeholders. Importantly, the Strategy will not be the only driver for net zero, as it would be a part of the Council's Corporate Plan, whilst policies, strategies and ongoing plans will all need to reflect the commitment to net zero. This will ensure it is fully embraced across the organisation.

The Corporate Director – Communities confirmed that public consultation on the 2030 Net Zero Carbon Strategy was undertaken over a twelve-week period from 8 June to 30 August 2022. The consultation received a total of 360 online survey completions, with a further 35 face to face engagement completions. The consultation report was included at Appendix 2 to the report.

Analysis of the responses received, showed that the majority of respondents are in support of the draft Bridgend 2030 Net Carbon Zero Strategy and the priorities contained within this.

The Carbon Leads for taking forward the delivery of the Bridgend 2030 Net Zero Carbon Strategy were:

- o Carbon Management – Group Manager - Economy, Natural Resources and Sustainability
- o Waste – Head of Operations - Community Services
- o Transport – Group Manager - Highways and Green Spaces
- o Buildings – Group Manager - Corporate Landlord
- o Land Use – Climate Change Response Manager

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- o Procurement – Corporate Procurement Manager

The Corporate Director – Communities concluded the report, by highlighting some financial implications of the Strategy which were elaborated upon in paragraph 8 of the report, which were significant.

The Leader advised that this was one of the most important Strategies that the Council was required to implement, so as to deliver upon the Climate Emergency.

The Cabinet Member – Communities stated that paragraph 4.5 of the report listed the Officers in the Communities Directorate that were required to lead on the different aspects of the Strategy, however, he added that there should also be a lead Officer for the Climate Change Agenda in each of the other Directorates, as there needed to be a Council wide approach to deliver this as a 'One Council' Corporate Priority. He added that he had some concerns around the cost of the project and hoped that Welsh Government would be able to assist local authorities financially, in order to successfully deliver the Strategy in its entirety.

The Cabinet Member – Education asked if consideration could be given to having a standard paragraph in the report template for all Committee reports, outlining how such reports affected (if at all) the Carbon Reduction Agenda.

The Monitoring Officer confirmed that this could be looked at in conjunction with the Committee report template review that was currently work in progress. It was hoped to submit a report to Council in February, outlining some adjustments to the report template.

The Deputy Leader asked if the review could also include having an Executive Summary as a paragraph in longer and more complex, detailed reports, to which the Monitoring Officer replied that this could be looked at also.

The Cabinet Member – Resources finally advised that he was pleased to confirm, that in the Welsh Government settlement that had been announced today, it was confirmed that a sizeable proportion of Capital spending was intended to be committed to Carbon Reduction across welsh local authorities.

RESOLVED: That Cabinet formally adopted the Bridgend 2030 Net Zero Carbon Strategy

99. **URGENT ITEMS**

None.

100. **EXCLUSION OF THE PUBLIC**

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

101. **PORTHCAWL WATERFRONT REGENERATION**

102. **FORMER EWENNY ROAD INDUSTRIAL ESTATE: PROPOSED REDEVELOPMENT**

The meeting closed at 17:00