

**MINUTES OF A MEETING OF THE CABINET HELD IN COMMITTEE ROOMS 1/2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 6 SEPTEMBER 2016 AT 2.30 PM**

Present

Councillor MEJ Nott OBE – Chairperson

CE Smith                      HM Williams                      CL Reeves

Officers:

Kelly Watson	Group Manager Legal & Democratic Services
Julie Ellams	Democratic Services Officer - Committees
Darren Mepham	Chief Executive
Deborah McMillan	Corporate Director Education & Family Support
Mark Shephard	Corporate Director - Communities
Mark Galvin	Senior Democratic Services Officer - Committees
Jackie Davies	Head of Adult Social Care
Andrew Thomas	Group Manager – Sports and Physical Activity

964. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Councillors and Officers:-

Councillor HJ David  
Councillor H Townsend  
Councillor PJ White  
Sue Cooper  
Andrew Jolley  
Randal Hemingway

965. DECLARATIONS OF INTEREST

None

966. APPROVAL OF MINUTES

RESOLVED:                      That the Minutes of a meeting of Cabinet dated 26 July 2016, be approved as a true and accurate record.

967. PROPOSED COMMUNITY ROUTE BETWEEN PENCOED AND HEOL Y CYW

The Corporate Director Communities submitted a report, that sought Cabinet approval for the creation of a community route between Pencoed and Heol y Cyw, and the subsequent adoption of the proposed route as a highway maintainable at the public expense. The report also informed Cabinet of the current position in respect of Section 106 Agreement funding received pursuant to a Section 106 Agreement dated 10 October 2007, and the use of this funding for the proposed route.

By way of background information, the Corporate Director Communities advised that in 2006 Rockwool Ltd submitted a planning application to increase the size of its operational facility in Wern Tarw near Pencoed.

During subsequent discussions between Rockwool Ltd and the Council, it was agreed that Condition 12 of planning consent P/06/1588/FUL would be superseded by a Section 106 Agreement requiring the provisions as outlined in paragraph 3.2 of the report.

Paragraph 3.3 of the report explained that due to issues regarding land ownership rights, ie that some of the original community route initially proposed, could not be used as it was common rather than Council owned land, in April/May 2012 the Heol y Cyw Community Access Group approached the Council about the proposal to construct a community route from Pencoed to Heol y Cyw that was also acceptable to the Commoners Association by means of an alternative Scheme being submitted to the one that was originally proposed.

Paragraph 3.6 of the report, also gave details of the stretch of route to be provided and information regarding Section 106 funds. The Corporate Director Communities expanded upon this, by confirming that it was proposed that the remaining Section 106 monies would be used exclusively on construction of the works between Pencoed and Wern Tarw Cross. The remaining Section 106 monies were not sufficient to construct all of the proposed route between these areas. Rockwool had conditioned that, in order for the Section 106 monies to be used to fund part of the construction of the route, the Community Group had to gain access to sufficient additional monies to construct the section from Pencoed to Wern Tarw Cross before a build contract was entered into.

The Corporate Director Communities added that it was proposed that when the route had been completed to a satisfactory standard it would be adopted by the Council as a highway maintainable at the public expense. This would in all likelihood involve phased dedication of sections of the proposed route.

Paragraph 4.1 then outlined the current situation regarding the proposed route.

The Cabinet Member Communities confirmed that this was excellent news that supported Priority Two, helping people to be more self-reliant by enabling community groups and the third sector to have more voice and control over community assets. She added that it also followed the Council's Wellbeing agenda, in that people who use the route would be utilising the environment effectively. It would obviously support the immediate community she added.

The Cabinet Member Regeneration and Economic Development confirmed that the route would also benefit pedestrians, cyclists, people with pushchairs and those who used wheelchairs.

The Cabinet Member Resources, welcomed the contribution towards the route that had been given by the local Member. He added that the route so secured would also take out a treacherous part of the current route.

**RESOLVED:** That Cabinet approved:

1. The submission of an application under Section 38 Planning Inspectorate Wales for consent to construct works on common land.
2. That the Corporate Director, Operational & Partnership Services be authorised:
  - To advertise notice of the section 38 Commons Act 2006 application.

- To enter into a licence with the Landowner (The Dunraven Estate) and the Conservators of the common to enable works to be completed prior to dedication.
- To enter into a Footpath Creation Agreement with the Landowner, the Conservators of the Coity Wallia Common and Commoners Association pursuant to section 25 of the Highways Act.
- To obtain such further consents that were required under the Coity Wallia Commons Act 1976.
- To progress a cycletrack conversion order pursuant to the Cycle Tracks Act 1984 to enable use of the proposed route by cycles.
- Invite tenders and award a contract for the construction of the proposed works.

968. SCHOOL MODERNISATION PROGRAMME: OUTCOME OF PUBLIC NOTICE ON PROPOSAL TO MAKE A REGULATED ALTERATION TO PENCOED PRIMARY SCHOOL

The Corporate Director Education and Family Support, submitted a report

to inform Cabinet of the outcome of the Public Notice on the proposal to make a regulated alteration to Pencoed Primary School, by relocating the school, including the Heol y Cyw campus, to a new build school on the site of Pencoed Primary School playing fields at Penprysg Road, Pencoed with effect from 1st April 2018, and to request Cabinet issue a Determination as per the proposal.

She advised that on 16<sup>th</sup> February 2016, Cabinet approved the consultation on the proposal to make a regulated alteration to Pencoed Primary School by relocating the school, including the Heol Y Cyw campus, to the site of the school playing fields at Penprysg Road, Pencoed.

The Corporate Director Education and Family Support further advised that on 7<sup>th</sup> June 2016, Cabinet having considered the outcome of the consultation with all parties as detailed in the consultation report, authorised the publication of a statutory notice outlining the proposals, which was published on 15<sup>th</sup> June 2016 for a period of 28 days (and formal written objections were invited during this time).

She then added that an Equality Impact Assessment had been carried out as part of the consultation stage, as had also a Welsh Impact Assessment and a Community Impact assessment.

In relation to the report's financial implications, the Corporate Director Education and Family Support advised that the anticipated cost of the proposed new Pencoed Primary School would be funded by the Council and Welsh Government under the 21<sup>st</sup> Century Schools Programme, for which the Authority received Welsh Government approval 'in principle'. The current budget for the scheme in the Capital Programme approved by Council was £8.8m, however, the total cost of the scheme would be £11.1m due to "site abnormalities" specified in paragraph 7.1 of the report.

It was estimated that the school bus service to transfer pupils to the new Pencoed Primary site would cost £40,470 per annum. The existing transport arrangements for the current split site school cost approximately £48,070.

The Cabinet Member Resources welcomed the fact that the report's proposals had not been objected to, and therefore were supported by all stakeholders.

The Cabinet Member Regeneration and Economic Development added that the topic in question had been the subject of considerable discussion and investigation, as reflected in the level of background documents to the report.

The Cabinet Member Communities closed debate on this item by adding that the school would provide state of the art facilities for its future pupils.

**RESOLVED:**

That Cabinet:

1. Considered the outcome of the Public Notice as detailed in the report.
2. Approved the implementation of the proposal to make a regulated alteration to Pencoed Primary School, by relocating the school, including the Heol Y Cyw campus, to a new build school on the site of Pencoed Primary School playing fields at Penprysg Road, Pencoed, with effect from 1 April 2018, subject to all funding sources being approved.

969. **SCHOOL MODERNISATION PROGRAMME: INVITATION OF TENDERS FOR THE CONSTRUCTION OF NEW PENCOED PRIMARY SCHOOL**

The Corporate Director Education and Family Support presented a report, the purpose of which, was to seek Cabinet approval to tender for the construction of the proposed new Pencoed Primary School.

Following some background information, the report confirmed that the tender process for the SEWSCAP Framework was undertaken and administered by RCT County Borough Council, in conjunction with Capita Glamorgan on behalf of all participating Councils, of Bridgend were one.

The Corporate Director Education and Family Support added, that the cost of the tender exercise would be met from within existing resources.

**RESOLVED:**

That Cabinet:

1. Approved the issue of an invitation to tender for the construction of a new Pencoed primary School (subject to Cabinet determining to approve the implementation of the proposal to make a regulated alteration to Pencoed Primary School, obtaining appropriate planning permission in respect of the planning application and subject to Welsh Government approval of the Full Business Case).
2. Noted that Cabinet will in due course receive a further report seeking Cabinet's approval for the award of the Contract to the successful tenderer.

970. AGEING WELL IN BRIDGEND

The Corporate Director Social Services and Wellbeing submitted a report, the purpose of which, was to raise awareness of the key themes of the 'Ageing Well in Wales' plan, the outcomes for older people that were targeted and how this would be planned and delivered within Bridgend County Borough.

The report also sought approval of the plan for Bridgend that had been developed in partnership with the Local Health Board, attached to the report at Appendix 1.

The Head of Adult Social Care confirmed that the Ageing Well in Wales programme was a partnership programme, that aimed to ensure that there was an improvement in the Wellbeing of people aged 50 plus in Wales, and to ensure that Wales was a good place to live for people of all ages.

She proceeded by advising that the programme recognised that older people need appropriate education, leisure, housing, transport, community facilities and employment to maintain their wellbeing.

The Head of Adult Social Care confirmed that there were five distinct themes identified within the Ageing Well in Wales plan, and these were detailed in paragraph 4.1 of the report.

She then referred Cabinet to paragraph 4.5 of the report, which stated that a Plan had been produced with indicative actions and measures of success that could be used to support the development of local thematic networks or approaches, which had been put together following the engagement of a range of local and regional partners and organisations. Examples of these, were outlined in this section of the report.

The Head of Adult Social Care, then advised that a public consultation on issues relating to the quality of life of older people had secured almost 300 responses, and partners had supported the collation of these. The Evaluation report relating to this was shown at Appendix 2 to the report. Page 59 of this document showed some headline figures in respect of this consultation, whilst what was considered as important was listed on page 67 of the report.

She also referred to paragraph 4.11 of the report, which listed the overarching aims and outcomes of the National Programme that had been integrated into the content of the Ageing Well in Bridgend Plan.

The Head of Adult Social Care then gave a brief resume of the report's Conclusions as outlined in paragraphs 4.13 to 4.16.

The Cabinet Member Communities said that a theme of the programme was to develop Dementia Supportive Communities, and the Llynfi Valley had been categorised as a Dementia Friendly Community. Part of this had involved regular faces in the community, for example shop owners and assistants, being trained to look out for the signs of dementia in individuals who had they had come accustomed to seeing through them regularly visiting their premises.

**RESOLVED:** That Cabinet approved the Ageing Well Plan attached at Appendix 1 to the report.

971. THE POTENTIAL DEVELOPMENT OF THE URDD NATIONAL RUGBY FESTIVAL AT PENCOED

The Corporate Director Communities submitted a joint report, that provided information on the benefits of developing a large scale schools rugby event at Pencoed, and to seek Cabinet approval to work with partners to deliver this event.

He advised that the Urdd had traditionally supported a large scale schools rugby festival as an annual calendar event. The interest in this event had grown progressively, and an opportunity had been identified to work in partnership with the Welsh Rugby Union (WRU) to increase the profile and participation at the event.

The Corporate Director Communities then referred to the partners that would also be supporting the event, and that the event would be the largest schools sevens rugby tournament in Wales (and be endorsed by the WRU).

He added that the event would be bi-lingual, and include opportunities for Welsh medium and English language schools.

The Corporate Director Communities further added, that it was anticipated that there would be 3,000 players participating, distributed across 3 sites including Felindre Road, Pencoed Comprehensive School and Woodlands paying fields over the duration of the event.

Paragraphs 4.11 to 4.13 then outlined certain additional benefits associated with the event.

The Cabinet Member Communities stated that this was a huge event ie one of the the largest schools events of its kind in the South Wales area, that included no less than 7 tournament events, where there would be opportunities for young people of both genders which supported gender equality. She added that this would be a prestigious event for the County Borough.

The Cabinet Member Resources added that the event was being welcomed by the hospitality industry, and very much being supported by young people within the community. Events such as this he added, often led on to event participants developing and becoming better in the sport.

RESOLVED: That Cabinet:

1. Noted the content of the report.
2. Approved that Bridgend County Borough Council works in partnership with local and national partners to deliver this event.

972. RESIDENTIAL AND NURSING HOME CONTRACTS

The Head of Adult Social Care submitted a report, seeking Cabinet approval to Authorise a waiver under CPR 3.2.3, from the requirement to tender the provision of residential care home services.

On the basis that the waiver under CPR 3.2.3 was approved, to also delegate authority to the Corporate Director Social Services and Wellbeing to enter into contracts with the current and any future residential and nursing care providers on terms to be approved by

the Corporate Director Social Services and Wellbeing in consultation with the Corporate Director Operational and Partnership Services and the S151 Officer. Such contracts to take effect for the terms set out in Section 8 (the Recommendation) of this report.

She advised that In February 2014, Cabinet approved a waiver under Contract Procedure Rule 3.2.3, from the requirement to competitively tender the provision of residential and nursing care home services. The waiver was approved on the basis that, at that time, the contracted providers were the only tenderers who could technically provide such a service, due to statutory restrictions in respect of the Council's obligation to set appropriate fees.

Cabinet was advised that this statutory restriction dates from the implementation of the National Health Service and Community Care Act 1990, when the funding of residential care homes passed from the Department of Social Services in central government to local authorities and that the subsequent National Assistance Act (Choice of Accommodation)(Wales) Directions 1993, imposed on local authorities the duty of determining the amount that they would expect to pay for assessed needs. Furthermore, that the discretion to set such fees was tempered by the provisions of Section 7 of the Local Authority Social Services Act 1970, which states that local authorities, in performing their functions, must 'act under' the guidance of the Welsh Ministers and that the most recent guidance was the 'Fulfilled Lives, Supportive Communities: Commissioning Framework Guidance and Good Practice" (August 2010). For these reasons, Cabinet was asked to authorise a waiver from the requirements to competitively tender the Residential Care Home fees under CPR 3.2.3 as there was technically no competitive market available.

The Head of Adult Social Care, asked Cabinet to note that the above statutory restrictions remained in force, with the result that there was no competitive market place available for these services. This meant the status quo, in that the current contracted providers were the only tenderers who could technically provide such a service.

She then confirmed that paragraphs 3.4 to 3.9 of the report, outlined certain contractual arrangements with regard to the Contract, adding that in February 2014, Cabinet approved for the contracting arrangements in place with the providers to be extended up to 31<sup>st</sup> March 2016.

The next part of the report confirmed that due to new legislative requirements and other issues relating to the Nursing elements (ie residential and nursing care) of the Contract, there was a need to make changes to both this and the accompanying service specification, which had since been drafted and presented to the Residential and Nursing Care Forum last March. The Contract/new Model highlighted the differences between the revised and present model in place.

In light of the above and certain other considerations contained in the report, the Head of Adult Social Care stated that for the Model and Contract to be responsive to future legislative changes and any new strategic drivers from both a local authority and ABMU perspective, it was felt that a relatively shorter-term Contract would be more appropriate going forward, as suggested in paragraph 4.7 of the report.

Following consideration being given to the report by Cabinet, it was

**RESOLVED:** That Cabinet:

1. Authorised a waiver under CPR 3.2.3, from the requirement to tender the provision of residential care home services on the basis that the Council has a statutory obligation to set the fees, which

means that there is technically no competitive market available for these services.

2. On the basis that the waiver under CPR 3.2.3 was approved, delegated authority be given to the Corporate Director – Social Services and Wellbeing to enter into contracts with the current residential and nursing care providers on terms to be approved by the Corporate Director – Social Services and Wellbeing in consultation with the Corporate Director - Operations and Partnerships and the S151 Officer. On the basis that (if approved) the reasons for a waiver under CPR 3.2.3 would have applied on any earlier date that the statutory restrictions as set out in this report were in force, Cabinet authorised such contracts on a retrospective basis, from the 1st April 2016. The contracts were to be in place for an initial period of two years, with an option to extend for further periods of up to two years.
3. On the basis that the waiver under CPR 3.2.3 was approved, authority be delegated to the Corporate Director – Social Services and Wellbeing to enter into contracts with any new residential and nursing care providers on terms to be approved by the Corporate Director – Social Services and Wellbeing in consultation with the Corporate Director - Operations and Partnerships and the S151 Officer, provided that such new contracts shall be co-terminus with the contracts referred to in 2. above.

973. **BLUE BADGE SCHEME AND AMENDMENT TO THE SCHEME OF DELEGATION OF FUNCTIONS**

The Corporate Director Operational and Partnership Services placed a report before Cabinet, seeking its approval to amend the Scheme of Delegation of Functions in relation to the Blue Badge Scheme.

The Group Manager Legal and Democratic Services confirmed that in order to reflect that following the recent restructure of the Corporate Management Board, Customer Services who administer work associated with the Blue Badge Scheme, had now moved to the Operational and Partnership Services Directorate as part of this restructure. In view of this, it was necessary to amend a provision of the Scheme of Delegations to adequately achieve this.

Paragraph 4.1 of the report confirmed the changes that were necessary.

Paragraph 4.2 outlined that it was also proposed that the 'Road Traffic Regulation Act 1984' be inserted into the list of enactments at Scheme B2 paragraph 3.54, as a function allocated to the Corporate Director Operational and Partnership Services.

**RESOLVED:** That Cabinet noted the report and approved the amendment to the Scheme of Delegation of Functions at Paragraphs 4.1 and 4.2 of the report.

974. **INFORMATION REPORTS**

The Group Manager Legal and Democratic Services presented a report, the purpose of which, was to inform Cabinet of the Information Reports that had been published since the last meeting.



The Cabinet Member Resources referred to the excellent best practices being adopted at Brackla and St Mary's Catholic Primary School. These were so good that the schools had been asked by Estyn to prepare a written case study, describing the excellent practice identified during the inspection relating to partnership work in the former, as well as a similar case study having been requested by Estyn regarding the excellence identified for thinking skills, cognitive development and partnerships in the latter mentioned school.

**RESOLVED**

That Cabinet acknowledged the publication of the documents listed in the report:-

Title	Date Published
Estyn Inspection Outcomes - Brackla Primary School	31 August 2016
Estyn Inspection Outcomes - St Mary's Catholic Primary School	31 August 2016
Estyn Report of Central South Consortium	31 August 2016
Youth Justice Plan	31 August 2016

**975. SCHOOL MODERNISATION - GARW VALLEY SOUTH**

The Corporate Director Education and Family Support explained that the purpose of the report was to seek approval to proceed with the Garw Valley South scheme at a revised overall project budget not exceeding £11.2 million. Subject to Cabinet approval a revision to the Capital Programme would be required. Delegated authority to the Corporate Director – Education and Family Support was also being sought to conduct negotiations with the lowest priced tenderer, and subject to the successful outcome of negotiations, to award a contract, the terms to be finalised in consultation with the Corporate Director – Operational and Partnership Services and the S151 Officer. She also explained that approval was being sought to modify the decision made by Cabinet on 1st September 2015 in respect of the proposal to make a regulated alteration by varying the opening date of Ysgol Gynradd Gymraeg Cwm Garw from September 2018 to January 2019.

She explained that prices for the construction of the school were submitted by five of seven contractors who were invited to tender. Unfortunately the construction costs received were initially higher than the available budget, ranging between £9.7 million and £12.65 million against a construction budget of £8 million. Following advice from Legal and Procurement, the tender process was re-run with a reduced specification with the budget figure being made known to potential tenderers and allowing alternative proposals. Revised tenders were being considered by technical officers to ensure that proposals met design requirements, the available budget and Welsh Government funding conditions.

Discussions had taken place with Welsh Government officials to agree in principle to seek permission from the Council to vire £1.2 million of the £1.5 million budget allocated against specialist provision for children with autism under the 21<sup>st</sup> Century Schools Programme.

Due to the urgency and potential risk of losing Welsh Government Funding in 16-17, approval was sought to vire the funding as detailed to revise the Capital programme in accordance with the Council's Scheme of Delegation.

As the relocation of Ysgol Gynradd Gymraeg Cwm Garw was subject to a statutory notice it was necessary for Cabinet to modify the decision by varying the opening date of Ysgol Gynradd Gymraeg Cwm Garw from September 2018 to January 2019.

The Cabinet Member Resources commented that he was disappointed that no tenders had been returned within the initial plan, and he acknowledged that considerable work had been undertaken to get the project to this stage.

RESOLVED

That Cabinet:

1. Granted approval to proceed with the Garw Valley South scheme at a revised overall project budget not exceeding £11.2 million.
2. Noted that the Chief Executive intended to make a revision to the Capital Programme to reflect the increased budget for the proposed Garw Valley South scheme and a corresponding reduction in the capital budget for the ASD scheme within the Band A funding envelope of the 21st Century Schools Programme and further noted that a report should be presented to the next Council meeting in October detailing the revision to the Capital Programme
3. Delegated authority to the Corporate Director – Education and Family Support to conduct negotiations, if necessary, with the lowest priced tenderer, in accordance with procurement legislation.
4. Subject to the successful outcome of any such negotiations, delegated authority to the Corporate Director – Education and Family Support to award a contract, the terms to be finalised in consultation with the Corporate Director – Operational and Partnership Services and the S151 Officer.
5. Granted approval to modify the decision made by Cabinet on the 1<sup>st</sup> September 2015, in respect of the proposal to make a regulated alteration to Ysgol Gynradd Gymraeg Cwm Garw by varying the opening date of Ysgol Gynradd Gymraeg Cwm Garw from September 2018 to January 2019 and to serve the appropriate notices.

976. URGENT ITEMS

There were no urgent items.

977. EXCLUSION OF THE PUBLIC

RESOLVED:

**CABINET - TUESDAY, 6 SEPTEMBER 2016**

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 Paragraphs 14 and 16 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 978. APPROVAL OF EXEMPT MINUTES
- 979. SCHOOL MODERNISATION - GARW VALLEY SOUTH
- 980. COMMISSIONING AND CONTRACTING THIRD SECTOR SERVICES WITHIN THE SOCIAL SERVICES AND WELLBEING DIRECTORATE.
- 981. EXTENSION OF HYBRID MAIL CONTRACT

The meeting closed at 3.25 pm